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9905

THE

Regulations and Proclamations

OF

TRAVANCORE

WITH RULES.

VOLUME II.

1067 to 1071 M. E.

PUBLISHED UNDER THE AUTHORITY OF THE
GOVERNMENT OF TRAVANCORE

BY

K. NARAYANAN PANDALAY, B. A. & B. L.,
Under Secretary to Government
and
Secretary to the Travancore Legislative Council.

PRINTED AT THE "SUBODHINI" PRESS,
TRIVANDRUM.

1915.

(135)

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Regulations and Proclamations

OF

TRAVANCORE.

REGULATION I OF 1067. (a)

THE HIGH COURT REGULATION.

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15. Rules and circulars to be signed by not less than three Judges.

(a) Amended by Regulations, I of 1086 and VIII of 1087

Passed by His Highness the Maha Rajah of Travancore on the 5th April 1892, corresponding to the 25th Meenam 1067.

A Regulation to revise and amend Regulation I of 1065.

Preamble. Whereas it is expedient to revise and amend the law relating to Our High Court; It is hereby enacted as follows: –

PART I.

Short title. Commencement. 1. This Regulation may be cited as the "Travancore High Court Regulation of 1067", and it shall come into force on the 1st day of Chittrai 1067, corresponding to the 12th April 1892.

Enactments repealed. 2. Regulation I of 1065 is hereby repealed; but the appeals and applications pending before the Royal Court of Final Appeal on the date this Regulation comes into force, and those which may be preferred from the decrees or orders of the High Court passed before that date and which are appealable to Us under Regulation I of 1065 shall be disposed of in the manner provided in part III of Regulation I of 1065.

PART II.

The number of Judges. Pundit. 3. The High Court shall ordinarily consist of a Chief Justice and three Puisne Judges; and a Pundit may, as at present, be attached to it. The appointments made under Regulations, II of 1057 and I of 1065, shall be considered as made under this Regulation.

Declaration to be made by a Judge on appointment. 4. The Chief Justice and every Judge who shall, from time to time, be appointed to the High Court, whether permanently or temporarily, shall, previous to entering upon the duties of his office, make and subscribe the following declaration before any one of the Judges of the High Court :–

"*I, A. B., appointed Chief Justice (or a Judge) of the High Court, Travancore, do solemnly declare that I will faithfully perform the duties of my office, to the best of my ability, knowledge and judgment.*"

Seal. 5. The High Court shall have and use, as occasion may require, a seal bearing the device of Our Royal Arms, with a label surrounding the same, with this inscription: "The

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Seal of the High Court of Travancore." The seal shall be in the custody of the Chief Justice.

Powers

6. The High Court shall exercise all the powers vested in it by this and any other Regulation now in force or which may hereafter be passed, and also the powers vested in the late Sadr Court by Regulations not repealed.

7. [Repealed by Regulation III of 1075].

Powers of a single Judge.

8. (1) A single Judge of the High Court is invested with the following powers :—

(i) to call for information from the lower Courts with a view to superintend their working and to correct errors of law or practice;

(ii) to revise calendars and other returns in Criminal cases;

(iii) to examine the returns submitted by the Civil Courts;

[(iv) to hear and determine—

I. every application—

(*a*) for determining in which of several Courts having jurisdiction a suit shall be heard;

(*b*) for the admission of an appeal presented after the expiry of the period allowed by the law of limitation;

(*c*) for the admission of an appeal *in forma pauperis*;

(*d*) under Section 568 of the Code of Civil Procedure;

(*e*) of an interlocutory character in appeals and other matters pending in the High Court, provided that a single Judge shall not have the power to dispose of an application to implead the representative of a deceased appellant or respondent, when it is opposed as out of time and the date of the death of the appellant or respondent is a matter in dispute between the parties;

(*f*) for the exercise, by the High Court, of its power to revise the proceedings of any Criminal Court, other than an application to revise an order made under Section 173, Criminal Procedure Code, provided that a single Judge shall not have the power to set aside or modify the finding, sentence or order of any Criminal Court;

(*g*) for the transfer of any suit, appeal or other proceeding, or proceedings in execution of a decree, from one of the Civil Courts subordinate to the High Court to another of such Courts; and

(*h*) for the transfer of any case, enquiry, trial or other proceeding, from one of the Criminal Courts subordinate to the High Court to another of such Courts; and

II. every reference by a Criminal Court for the revision of the proceedings of a subordinate Criminal Court, provided that a single Judge shall not have the power to set aside or modify the finding or sentence of any Criminal Court.

(2). All applications and references pending before the High Court on the 14th June 1912, corresponding to the 1st Mithunam 1087, and those which may be made on and after that date to the High Court, shall be disposed of in the manner provided in Clause (iv) of sub-section (1) of this Section:] *(a)*

Provided always that it shall be lawful for such Judge to refer any question for the decision of a Division Bench, or of a Full Bench consisting of three Judges.

Inspection by Judges.

9. It shall be competent to such Judge or Judges of the High Court as We shall, from time to time, nominate for the purpose, to visit the Courts subordinate to the High Court, to correct errors of their procedure and practice, to bring to the notice of Government, through the High Court, the requirements of the different Courts in respect of buildings, jails, furniture, custody and arrangement of records, and generally to examine and report on the working of the lower Courts.

Powers of Chief Justice

10. The conduct of business in the High Court shall be regulated by the Chief Justice. In his absence, his duties shall devolve on the Senior Puisne Judge present.

Powers of Division Benches of two Judges.

11. A Division Bench, consisting of two Judges of the High Court, is empowered,

(i) to hear and determine all appeals, Civil and Criminal, preferred from the decrees, orders or sentences of the

(*a*) Added by Regulation VIII of 1087.

[Civil and Criminal] (*a*) Courts, where the same are allowed by law, except the appeals provided for in Section 13;

(ii) to transfer Civil or Criminal cases from one Court to another;

(iii) to dispose of references made by the lower Courts in non-appealable Civil cases and to revise, on its motion or otherwise, the proceedings of the Civil Courts in non-appealable cases;

(iv) to pass orders on references made by Sessions Judges and Magistrates, and, in cases called up by the High Court on its own motion or otherwise, to revise sentences or orders passed by the Criminal Courts; and

(v) to pass orders on all petitions and applications, Civil or Criminal, not falling under any of the preceding Clauses:

Provided that, during the annual recess of the High Court, a single Judge of that Court, acting as vacation Judge, shall have power to dispose of applications for staying execution of decrees of Civil Courts, to suspend sentences of Criminal Courts and to release in non-bailable cases any person accused or convicted, on bail or on his own personal recognizance, and to transfer Civil or Criminal cases from one subordinate Court to another.

Civil and Criminal cases.

12. In any case, Civil or Criminal, if the two Judges forming a Division Bench agree as to the order or sentence to be passed, their decision shall be final But if they disagree, they shall refer the matter for the opinion of another Judge and the decision of the majority shall be final:

Provided that if, in a Criminal case, the sentence or order passed be one of death or imprisonment for life, it shall be subject to Our confirmation:

Provided also that in any case, Civil or Criminal, of a special or novel character, or involving an important point of law, the Judges of the Division Bench may refer the case to a Full Bench of three Judges. The decision of the Full

(*a*) Substituted by Regulation I of 1086.

Bench, or in case of difference of opinion, the decision of the majority, shall be final.

Provided further that the Judges of a Division Bench may direct that any Civil appeal, falling under the preceding Section, be heard and determined along with any appeal falling under Section 13 of this Regulation, if, in their opinion, both the appeals are connected with each other.

Civil appeals of Rs. 5,000 and upwards.

13. [A Full Bench of three Judges shall hear and determine all appeals from the decrees of the District Courts in suits in which the amount or value of the subject-matter is not less than Rs. 5,000, and the amount or value of the matter in appeal is not less than that sum. The judgment and decree of the Full Bench, or the judgment and decree of the majority, if there be difference of opinion, together with the records of the case, shall be submitted to Us through the Dewan, in order that the judgment and decree may be confirmed by Our Sign Manual.

Explanation.—For the purposes of this Section:—

(1) the value of a suit or appeal shall be determined with reference to the provisions of the Suits Valuation Regulation for the time being in force;

(2) all the appeals preferred against one and the same decree shall be treated as one appeal;

(3) objections filed by the respondents under Section 532 of the Civil Procedure Code shall be treated as an appeal;

(4) the date of the decree in the above case is the date on which the decree is declared in open Court after being confirmed by Our Sign Manual;

(5) an order of remand under Sections 533 and 537 of the Civil Procedure Code, and orders of dismissal for default and orders coming under the word 'abatement', shall not be treated as 'judgment and decree'.] (*a*)

[All appeals pending before the High Court on the 14th June 1912, corresponding to the 1st Mithunam 1087, and those which may be preferred on and after that date to the

(*a*) Substituted by Regulation I of 1086.

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High Court, shall be disposed of in the manner provided in this Section] (*a*)

Review of judgment.

14. In cases decided under Section 13 of this Regulation, a Full Bench of the High Court may admit a review of judgment subject to the provisions of the Code of Civil Procedure. If on review a fresh judgment and decree be passed, such judgment and decree together with the records of the case shall be submitted to Us through the Dewan for confirmation under Our Sign Manual.

Rules and circulars to be signed by not less than three Judges

15. All general Rules and circular orders issuing from the High Court shall be signed by not less than three Judges.

(*a*) Added by Regulation VIII of 1087.

REGULATION II OF 1067. (a)

GOVERNMENT LAND CONSERVANCY REGULATION.

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7. Intimation of prior occupation of Government lands to be given within one year.
8. Failure to give such information punishable.
9. Compliance with Section 7 not punishable.
10. Division Peishkars authorised to exercise certain powers.
11. Division Peishkar to give notice to the occupant.
12. Eviction how to be conducted.
13. Fines, &c., to be levied as arrears of public revenue.
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15A. Sreepadam lands.
16. The Dewan to make Rules.
17. Civil Courts not to entertain suits against Government.
18. Officers to exercise powers of Division Peishkar.

(a) Amended by Regulations, I of 1075 and II of 1085.

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Passed by His Highness the Maha Rajah of Travancore on the 11th April 1898, corresponding to the 31st Meenam 1067.

A Regulation to restrict the unauthorised occupation of Government lands.

Whereas it is expedient to restrict the unauthorised occupation of Government lands; We are pleased to enact as follows:— Preamble

1. This Regulation may be called "The Government Land Conservancy Regulation of 1067", and shall come into force from the date of the passing thereof. Short title. Commencement.

2. In this Regulation — Interpretation Clause.

(1) "Government lands" shall mean and include all lands, whether occupied or not, which are at the disposal of Government and which are not registered in the names of private individuals. "Government lands"

Explanation.—Land in excess of the registered measurement or extent, but lying within the specified boundaries of a registered land, does not fall within this definition.

(2) "Poramboke" shall mean unassessed Government lands connected with public works, or used or reserved for public purposes, such as public roads and margins within their defined boundaries, public lanes and pathways, beds and banks of rivers, irrigation and drainage channels, traffic canals, tanks, lakes and backwaters, markets, burial grounds, landing ghats. "Poramboke."

(3) "Occupant" shall mean person actually in possession of a Government land. "Occupant."

3. From and after the date on which this Regulation comes into force, it shall not be lawful for any person to occupy a Poramboke without permission from Our Government: Poramboke not to be occupied without permission.

Provided that it shall be competent to Our Government to extend the prohibition contained in this Section to all other Government lands in such local areas as our Government may, by Notification in the Gazette, from time to time prescribe Power to extend the prohibition to other lands

Punishment for occupying a Poramboke.

4. Whoever occupies a Poramboke contrary to Section 3 shall be punished with fine not exceeding fifty rupees and shall also be liable either to pay such prohibitory assessment as may be imposed on the land so occupied or to be evicted from such land.

Punishment for occupying a Government land which is not a Poramboke.

5. Whoever occupies, without permission from Our Government, a Government land which is not a Poramboke in areas to which this Regulation has been extended, shall be liable to pay a fine not exceeding fifty rupees, in addition to such assessment as may be imposed on such land under the Rules for the time being in force for assessment of lands:

Provided that in case of occupation of a Government land under a *bona fide* belief, the burden of proving which shall lie on the occupant, that such land was not a Government land, the occupant shall not be liable to any fine under this or the last preceding Section:

Provided also that nothing in this Section shall be deemed to affect the right of Government to refuse registry of any Government land in case it is wanted for Government purposes and to evict the occupant.

Occupant to pay the value of useful trees.

6. In cases of occupation of Government [lands under Sections 4 and 5] (*a*), the occupant shall, in addition to any penalty to which he may be liable under that Section, pay to Government the value of any useful trees destroyed or appropriated by him.

Intimation of prior occupation of Government lands to be given within one year.

7. In respect of Government lands which may have been occupied prior to the date on which this Regulation comes into force, it shall be the duty of the occupant to give intimation of such occupation within one year from such date.

The intimation shall be in writing and shall specify the name and residence of the occupant, the date from which he has been in possession, the situation and extent of the land, the use to which it has been put, and such other particulars as may be prescribed in the Rules passed under Section 16; and it shall be presented to the Tahsildar of the taluk in which the whole or any portion of such land is situate or to any other officer whom Our Government may, from time to time, appoint in this behalf; and the Tahsildar

(*a*) Added dy Regulation 11 of 1085

or other officer aforesaid shall give a receipt in writing acknowledging such intimation. The occupant may send the intimation through the Sirkar Anchal, registered and prepaid for acknowledgment, and the acknowledgment received through the Anchal shall be deemed to be sufficient evidence of his having given the intimation:

Provided that this Section shall not apply to cases where such applications have been already publicly recorded either on application received or under any authorised system of field inspection.

Failure to give such information punishable.

8. Whoever continues to occupy any Government land referred to in the last preceding Section, without giving the intimation required therein, shall, unless reasonable cause is shown for the failure to give such intimation, be liable to be dealt with under Section 4 or 5 as the case may be.

Compliance with Section 7 not punishable.

9. Where the requisition made under Section 7 has been complied with, the occupant shall not be liable to the fine prescribed in Section 4 or 5, but may be dealt with under the other provisions contained in those Sections:

Provided that the occupant, in case his occupation is not confirmed, shall be entitled to reasonable compensation for any improvement made on the land before this Regulation comes into force, and the occupant shall, to the extent of the sum received by him as compensation, be liable to the person legally entitled to the value of such improvements.

Explanation.—The term "improvement" shall include buildings.

Division Peishkars authorised to exercise certain powers.

10. Division Peishkars are authorised to exercise all the powers under Sections 4, 5, 8 and 9 and the power to determine the value of trees destroyed or appropriated under Section 6 of this Regulation.

Division Peishkar to give notice to the occupant.

11. The Division Peishkar shall, before passing an order under this Regulation, give notice to the occupant or other person likely to be affected by the order, and record any statement which such occupant or person may make and any evidence which he may adduce within a reasonable time; and all orders passed by a Division Peishkar under this Regulation shall be in writing and under his hand.

The Division Peishkar may require any subordinate officer not below the rank of a Deputy Tahsildar to hold the enquiry as prescribed in para 1 of the Section and submit the record to him. On such record the Division Peishkar may pass orders.

For the purpose of Section 193 of the Penal Code, the proceedings taken by a Division Peishkar under this Section shall be deemed to be judicial proceedings.

Eviction how to be conducted.

12. The eviction contemplated under this Regulation shall be conducted by the Division Peishkar or any officer authorised by him in writing in that behalf, and the Division Peishkar or such officer may take possession of the land from the occupant and, if need be, remove him or any other person who refuses to vacate the property.

Fines, &c, to be levied as arrears of public revenue.

13. All fines and assessments imposed under this Regulation, damages for trees destroyed or appropriated [and all costs of eviction and removal of encroachments incurred] (a) shall be realized in the same manner as arrears of public revenue are recovered:

Provided that such assessments shall cease from the date on which the land concerned is relinquished.

Orders passed by Division Peishkar appelable to, and may be revised by, the Dewan.

14. All orders passed by a Division Peishkar under this Regulation shall be appealable to the Dewan, provided that the appeal is preferred within thirty days from the date of the order appealed against.

The Dewan may, without such appeal, for sufficient reason, revise such orders, but not so as to enhance the penalty imposed by such Division Peishkar.

No order to be passed without previous notice to the party to be affected by it.

15. No order under this Regulation shall be passed without previous notice to the party to be affected by such order.

(a) Added by Regulation II of 1085.

[15 A. The provisions of this Regulation shall also *mutatis mutandis* apply to all unassessed Sreepadam lands and unassessed lands within the limits of private estates and Edavagays, if they are used or reserved for public purposes and are maintained by Government.] (*a*)

Sreepadam lands.

16. The Dewan shall, with Our sanction, make Rules consistent with this Regulation in all matters connected with its enforcement, and may, with the same sanction, alter and add to the Rules so made.

The Dewan to make Rules.

17. No suit against Government shall be entertained in any of Our Civil Courts in respect of any order passed under this Regulation except upon the ground that the land in respect of which such order has been passed is not a Government land [nor lands of the description referrrd to in Section 15 A.] (*a*)

Civil Courts not to entertain suits against Government.

[18. Our Government may, by Notification in the Gazette, authorise any officer by name or by virtue of his office, to exercise all or any of the powers conferred on a Division Peishkar by this Regulation.] (*b*)

Officers to exercise powers of Division Peishkar.

Rules under Section 16 of the Land Conservancy Regulation, II of 1067, passed by the Government under date the 19th June 1914.

1. These Rules supersede the Rules dated 27th Karkatakam 1074/10th August 1899, which are hereby repealed.

2. 'Government lands', as defined in Section 2 of the Regulation, include "all lands whether occupied or not, which are at the disposal of Government and which are not registered in the names of private individuals".

3. 'Government lands' falling under the above definition consist of

(*a*) lands within the limits of cadastral survey, and

(*b*) lands outside the limits of cadastral survey.

4. Lands falling under Clause (*a*) of Section 3 are entered in the Settlement records under the heads of *Poramboke* (surveyed and unassessed), *Tharisu* (surveyed and assessed) and *Thanathuchitta* (surveyed and assessed and occupied by Government institutions or for Government purposes).

(*a*) Added by Regulation II of 1085.

(*b*) Added by Regulation I of 1075.

5. Lands falling under Clause (*b*) of Section 3. are unsurveyed and unassessed. They fall under the description of "Unreserved land" in the Rules passed under Section 22 of the Forest Regulation.

6. Unauthorised occupations of Government lands falling under any of the descriptions given in Sections 4 and 5 are punishable under the Regulation. Section 4 of the Regulation deals with encroachments on *Poramboke*s and Section 5 with encroachments on all Government lands other than *Poramboke*. It is the duty of the Land Revenue Department to see that all such encroachments or unauthorised occupations are promptly brought to light and dealt with according to law.

7. For the purpose of effectively carrying out the duties devolving on the Land Revenue Department under Section 6, the following instructions are laid down for guidance.

8. It is the duty of the Proverthicar to report to the Tahsildar every month all encroachments on *Poramboke* land and on Government land other than *Poramboke*. Such report shall be sent up in monthly statements in Forms (A) and (B) appended to these Rules. If there are no encroachments in any month, *nil* statements shall be submitted.

9. In regard to encroachments on *Poramboke*s, the Tahsildar shall, on receipt of statement (A), inspect the land himself, and, if he is satisfied that the *Poramboke* should be retained as such in the interests of the public, he shall send up the statement (A) to the Division Peishkar with his recommendation in the column provided for the purpose, for the necessary action being taken under Section 4 of the Regulation.

10. If the Tahsildar, on local inspection, is satisfied that it is not necessary to retain the land as *Poramboke*, he shall recommend to the Division Peishkar the transfer of the land from the head of *Poramboke* to the head of *Tharisu*. This recommendation shall be made in Form (C) and shall be accompanied by a sketch drawn to scale, showing the situation and extent of the *Poramboke* to be transferred to *Tharisu* as well as of the adjoining *Poramboke* or other land.

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11. The Division Peishkar shall, on receipt of the Tahsildar's recommendation under Section 10, inspect the land either himself or through his Assistant, and if he is satisfied that the land need not be retained as *Poramboke*, he may sanction the transfer of the land from the head of *Poramboke* to that of *Tharisu*.

12. In regard to encroachments on Government land other than *Poramboke*, the Tahsildar shall, on receipt of statement (B), inspect the land and satisfy himself whether registry is desired or not. If registry is desired, he may take an application from the party for *Puduval* registry and deal with it under the *Puduval* Rules.

13. If registry is not desired, or if the application for *Puduval* is rejected, the Tahsildar shall send up the statement (B) to the Division Peishkar with his recommendation in the column provided for the purpose for action being taken under Section 5 of the Regulation.

14. When cases are reported to the Division Peishkar under Section 9 or 13, he shall deal with the encroachments under Section 4 or Section 5 of the Regulation as the case may be.

The punishments provided by law for each class of encroachments are the following:—

Encroachment on Poramboke lands.

Fine not exceeding fifty rupees, and prohibitory assessment or eviction in addition, at the discretion of the deciding officer. (Section 4 of the Regulation).

Encroachment on Government land other than Poramboke.

Fine not exceeding fifty rupees, in addition to such assessment as may be imposed under the Rules, and eviction when registry is refused in case the land is required for Government purposes. (Section 5 of the Regulation).

15. The detection and punishment of encroachments under the Regulation is no bar to the registry of the land, if it is considered unobjectionable to do so. But unauthorised occupation does not entitle the applicant to registry in preference to others.

16. The levy of prohibitory assessment under Section 4 of the Regulation relates to cases in which the encroachment is considered objectionable and the land cannot be transferred to the head of *Tharisu* for the purpose of registry. The imposition of prohibitory assessment shall be resorted to in those cases only in which the encroachment is of a substantial nature, the removal of which is likely to cause great hardship and loss, and when the removal is not urgently required in the interests of the public. Prohibitory assessment may be as high as the deciding officer deems fit in the circumstances of each case. When prohibitory assessment is levied on a *Poramboke* encroachment, it shall not be a bar to future eviction if the land is required for public purposes. The payment of the prohibitory assessment does not confer any occupancy right but only enables the party to retain the encroachment temporarily until required for public purposes.

17. When the encroachment consists of trees planted on *Poramboke* or other Government land, it is open to the Tahsildar or Division Peishkar, after the disposal of the case under the Regulation, to lease the trees on *Kuthakapattom*, under the Rules relating to *Kuthakapattom*.

18. These Rules shall come into force from the 1st Chingom 1090.

FORM A.

Statement of unauthorisd occupation of Poramboke land for the month of 10...

Village.
Taluk.

Serial No.	Description of Poramboke.	Survey. No.	Survey. Sub-division.	Extent. Acres.	Extent. Cents.	Extent occupied. Acres.	Extent occupied. Cents.	Full name of occupier.	Nature of occupation.	Recommendation by Tahsildar.	Remarks.

Date.
Place.

Proverthicar.
Accountant.

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Form B.

Statement of unauthorised occupation of Government land other than Poramboke for the month of 10...

Village.

Taluk.

Serial No.	Description of land.	Survey. No.	Survey. Sub-division, No. or letter.	Extent. Acres.	Extent. Cents.	Extent occupied. Acres.	Extent occupied. Cents.	Full name of occupier.	Nature of occupation.	Recommendation by Tahsildar.	Remarks.

Date. Proverthicar.

Place. Accountant.

Form C.

Statement for transfer of Poramboke to assessed waste.

Village.

Taluk.

Survey. No.	Survey. Sub-division, No. or letter.	Area. Acres.	Area. Cents.	Nature of Poramboke.	Grounds for transfer.	Recommendation by Tahsildar.	Order of Division Peishkar.	Remarks.

Date. Tahsildar.

REGULATION IV OF 1067.

THE REFORMATORIES REGULATION.

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Passed by His Highness the Maha Rajah of Travancore on the 2nd August 1892, corresponding to the 19th Karkatakam 1067.

A Regulation to provide Reformatories for male youthful offenders.

Whereas it is expedient to provide Reformatories for male youthful offenders; We are pleased to enact as follows:— Preamble.

1. This Regulation may be called "The Reformatories Regulation of 1067"; and it shall come into force on such day as Our Government, by Notification in the Gazette, directs in that behalf. Short title. Commencement.

2. In this Regulation, "youthful offender" means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment. Interpretation Clause. "Youthful offender."

Illustration.—A, born on the 15th June 1876, will be under the age of 16 years up to the 14th June 1892.

3. Our Government may establish Reformatories at such places as it thinks fit; and direct that any Reformatory so established shall cease to exist as such. Power to establish and discontinue Reformatories.

4. Every Reformatory so established must provide,— Requisites of Reformatory.

(a) sufficient means of separating thei nmates at night;

(b) proper sanitary arrangements, water supply, food, clothing and bedding for the youthful offenders detained therein;

(c) the means of giving such offenders industrial training; and

(d) an infirmary or proper place for the reception of such offenders when sick.

Power of Courts to direct youthful offenders to be sent to Reformatory.

5. Whenever any youthful offender is sentenced to imprisonment, by the High Court or a Sessions Court or by a Magistrate of the First Class, and is, in the judgment of the Court by which he is sentenced, a proper person to be an inmate of a Reformatory, the Court or Magistrate may direct that, instead of undergoing his sentence, he shall be sent to a Reformatory and be there detained for a period which shall be not less than two years and not more than seven years:

Provided that no youthful offender shall be sent to the Reformatory, if under ten years of age, for a less period than seven years, and, if over ten years of age, for a less period than five years, unless he shall sooner attain the age of eighteen.

Court may direct youthful offenders to be sent to Reformatory when accommodation becomes available

6. It shall be competent to the Court or Magistrate passing an order under Section 5, to direct further, in case no space is available in any Reformatory at the time of passing the sentence, that the offender shall be sent to a Reformatory as soon as accommodation becomes available: Provided that the sentence has not expired at the time the accommodation becomes available.

Power of subordinate Magistrates to report for orders of District Magistrate cases of youthful offenders

7. Whenever any youthful offender is sentenced to imprisonment by a Second or Third Class Magistrate, and is in his judgment a proper person to be an inmate of a Reformatory, such Magistrate shall submit the case to the Magistrate of the District for orders. The Magistrate of the District shall deal with the case as an appeal from the conviction and sentence of the Second or Third Class Magistrate, and, if he upholds the conviction and sentence or passes a fresh sentence of imprisonment, shall deal with the offender under Sections 5 and 6 of this Regulation.

Court to take evidence on the age of the offender.

8. A Court or Magistrate making an order under Sections 5 and 6, and, in cases falling under Section 7, the Magistrate making the reference, shall specifically enquire into the age of the youthful offender and reduce to writing all the evidence and the finding on the same.

High Court to revise orders under Sections 5, 6 and 7.

9. Orders passed under Sections 5,6 and 7 may be revised by the High Court; an order passed under the said Sections shall be considered as cancelled as soon as the sentence of imprisonment passed against the youthful offender is quashed on appeal or revision.

Government to determine Reformatory to which youthful offenders shall be sent.

10. Every youthful offender, so directed by a Court or Magistrate to be sent to a Reformatory, shall be sent to such Reformatory as Our Government may, from time to time, appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

Boys above eighteen not to be detained in Reformatory.

11. Nothing contained in Section 5, 6, 7, or 10, shall be deemed to authorise the detention in a Reformatory of any person after he attains the age of eighteen years.

Discharge or removal by order of Government.

12. Our Government may, at any time, order any youthful offender.

(*a*) to be discharged from a Reformatory ;

(*b*) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as Our Government thinks fit; or

(*c*) to be removed from one Reformatory to another, so that the whole period of his detention in a Reformatory shall not be increased by such removal.

Appointment of Superintendent and Committee of Visitors.

13. Every Reformatory shall be under the control and management of a Superintendent and a Committee of Visitors to be appointed by Our Government from time to time.

Superintendent may license youthful offenders to employers of labour.

14. Every Superintendent may, with the previous sanction of Our Government, permit any youthful offender sent to a Reformatory, who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation or calling.

The license shall be in force for six months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be, with like sanction, renewed from time to time for six months.

Cancellation of license.

15. The license shall be cancelled at the desire of the employer named in the license; and, if it appear to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

Determination of license.

16. If, during the term of the license, the employer named therein dies or ceases from business, or the period for which the youthful offender has been directed to be detained in the Reformatory expires, the license shall thereupon cease and determine.

Cancellation of license in case of ill-treatment.

17. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

Duties of Committee of Visitors.

18. Every Committee of Visitors, appointed under Section 13 for any Reformatory, shall, from time to time, subject to such Rules as may be made by Our Government,—

(*a*) visit the Reformatory to hear complaints and see that the requirements of Section 4 have been complied with and that the management of the Reformatory is proper in all respects;

(*b*) examine the punishment-book;

(*c*) bring any special cases to the notice of Government; and

(*d*) see that no person is illegally detained in the Reformatory.

Power of Government to make Rules.

19. Our Government may, from time to time, make Rules consistent with this Regulation to regulate—

(*a*) the education and industrial training of the youthful offenders;

(*b*) visits to and communication with youthful offenders;

(*c*) punishments for offences committed by youthful offenders;

(*d*) the granting of licenses for employment of youthful offenders; and

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(*e*) generally all matters connected with the management of Reformatories.

Penalty for abetting escape of youthful offenders.

20. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender, from a Reformatory, or from the employer of such youthful offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

Penalty for taking forbidden articles.

21. Whoever takes or causes to be takeninto a Reformatory, for any youthful offender, any money, tobacco, snuff or other forbidden articles, shall be punishable with fine not exceeding fifty rupees.

Arrest of escaped youthful offenders.

22. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory under this Regulation, who has escaped from such Reformatory or from his employer, and take him back to such Reformatory or employer.

Rules sanctioned by the Government for the management of the Reformatory, Trivandrum, under date the 15th September 1914.

Management.

I. The management of the Reformatory is vested in a Superintendent and a Committee of Visitors appointed by Government.

II. The Committee of Visitors will consist of the following *ex-officio* Members:—

1. the Chief Justice, High Court, Trivandrum, —President;

2. the Durbar Physician, Travancore,—Vice-President;

3. the Director of Public Instruction, Travancore, —Honorary Secretary;

4. a Puisne Judge of the High Court (to be selected once in two years); and

5. the District Magistrate, Trivandrum.

Duties of the Superintendent.

III. The duties of the Superintendent shall be as follows:—

1. to devote himself solely to the management of the Reformatory, and not to engage in any other occupation or business;

2. to live in the quarters provided for him in or near the Reformatory, and not to be absent from those quarters to the prejudice of his duties;

3. to be present when the dormitories are locked at night and unlocked in the morning, to have the keys of the dormitories in his personal charge, and, in the event of his being absent, to record the fact of, and reasons for, his absence in the log-book, and to delegate the duty enjoined on him by this Clause to the Deputy Superintendent;

4. to be constantly present with the boys during work hours, to supervise the teaching, and to acquaint himself with the conduct, character and progress of each boy;

5. to control the admission to the school premises of all persons not connected with the school;

6. to inform each boy upon admission regarding the Rules to be observed, what rewards he is entitled to for good conduct, and to what punishments he is liable for bad conduct or for a breach of any Rule, and to remind each boy half-yearly how long he has still to remain in the school;

7. to see that each boy is provided with proper clothing and bedding and is cleanly in person and habits, and to see that the sanitary arrangements of the school are satisfactory in all respects; to see that the food supplied is of good quality and fairly distributed;

8. to hold a muster of all boys once a week, to listen to any complaints they may wish to make, and to attend to such complaints where necessary;

9. to take proper precautions in order to prevent the out-break or spreading of epidemics or contagious diseases, to see that all instructions of the Medical officer attached to the school regarding the sick in hospital are properly fulfilled, and to report to the Magistrate any case of sudden violent or suspicious death;

10. to report at once to the Director of Public Instruction, the local Police Inspector and the Magistrate, the escape or recapture of any boy; (The director of Public Instruction shall immediately communicate the fact to Government.)

11. to keep a confidential register in which are recorded the antecedents of each boy and also his history after his release;

12. to keep such records and registers as may be ordered by Government and submit such reports as may be called for;

13. to accompany the Committee of Visitors during their inspection of the school, to bring to their notice any matter requiring their attention, to attend any meeting of the Committee when called upon to do so by them, and otherwise to afford all reasonable assistance to the Committee; (The same duties apply to the visit to the school of any single Member of the Committee.)

14. to supervise the work of all subordinates upon the staff of the Reformatory, and to exercise such powers as are vested in him in virtue of Rule IV;

15. To inform the Director of Public Instruction promptly and fully regarding any matter affecting the health, discipline, instruction or general management of the Reformatory, and to submit through him annually a general report on the administration of the school during the previous Malabar year; and

16. to perform such other duties as may from time to time be laid down by Government.

17. The Superintendent will be held generally responsible for all the property of the school and for the receipt and disbursement of moneys and for all stores received. The Steward, the Press Foreman, the Headmaster and other subordinates will be responsible to the Superintendent for the safe custody of property confided to their care. The Superintendent will also be held responsible for the loss in the case of any defalcation on the part of any subordinate or servant on the

staff of the school, where such defalcation is found to have resulted from, or has been facilitated by, any neglect on his part.

Powers of the Superintendent.

IV. The Superintendent shall, under the supervision of the Director of Public Instruction, exercise the following powers :—

1. The executive management of the Reformatory in all matters relating to the internal discipline, instruction, punishment and rewards.

2. It shall be competent to the Superintendent,

(a) to make any appointment on the sanctioned establishment, the pay of which does not exceed Rs. (20) twenty ;

(b) to dismiss, degrade, suspend, discharge, or accept the resignation of, any subordinate whom he is competent to appoint ;

(c) to fine all subordinates under him, provided the fine does not exceed Rs. (2) two ;

(d) to grant, subject to the Service Regulations, any kind of leave to the subordinates whom he is competent to appoint.

Note :—The written explanation of the subordinate shall always be taken before he is dismissed, degraded, suspended, discharged, or punished in any other way.

Any subordinate may, however, be placed under suspension, pending the submission of his explanation. The order dismissing, degrading, suspending, or discharging, any subordinate shall state, firstly, the charge or charges against such subordinate ; secondly, an abstract of the evidence in support of each charge ; thirdly, the finding on each charge ; fourthly, the previous punishments, if any, imposed upon him. The subordinate punished shall be furnished with a copy of the order of punishment. Appeals against the punishment orders of the Superintendent shall lie to the Director of Public Instruction, provided, however, that the appeal in each case is preferred within thirty days from the receipt of the copy of the order appealed against. No appeal shall lie against an

order of fine, nor shall a second appeal against an order of punishment lie to any authority higher than the appellate authority prescribed in this Note.

3. Subject to the provisions detailed in Paragraph VII, sub-paragraph 5, to punish any boy by (a) loss of marks, (b) degradation from monitorship, (c) solitary confinement, (d) corporal punishment, (e) penal diet, (f) gunny clothing, (g) deduction from earnings.

4. To exercise such other powers as are conferred upon him by Sections 14, 15, 16 and 17 of Regulation IV of 1067.

V. In addition to the duties specified in Section 18 of Regulation IV of 1067, Duties of the Committiee of Visitors.

1. the Committee shall ordinarily meet in the Reformatory office at 4-30 P. M., on the last Saturday of the first month of every quarter of the Malabar year, and at such other times as the President may think necessary, or at any time to be fixed by the President at the requisition of not less than two Members or under instructions from Government;

2. at least two clear days previous to the date of the meeting, an abstract of the subjects to be considered, together with all papers to be disposed of at the meeting, shall be circulated among the Members by the Honorary Secretary;

3. any Member of the Committee wishing to bring any subject before the meeting shall give notice thereof in writing to the Honorary Secretary seven clear days prior to the date of the meeting, so as to enable him to include it in the agenda paper;

4. if the President be not present within 15 minutes of the prescribed time, and if the Members present or a quorum, the Vice-President shall officiate as Chairman; if both the President and the Vice-President be absent, the Members present shall elect a Chairman from among themselves;

5. three Members shall form a quorum; if at any time during the sitting of the Committee, the Chairman's attention is drawn to the fact that there is no quorum present, he shall dissolve the meeting;

6. in case of an equality of votes, the Chairman shall have a casting vote; the minutes of each meeting shall be signed by the Chairman and a copy of the same forwarded for publication in the Government Gazette;

7. a copy of the minutes of each meeting shall be forwarded to the Government by the Honorary Secretary to the Committee;

8. the Committee shall maintain two books, in one of which the minutes of the meetings shall be recorded, and in the other, their individual remarks as visitors;

9. the order of business at the meetings shall be as follows:—

(*a*) inspection of the Reformatory;

(*b*) any business held over from, or arising out of, the transactions of the previous meeting;

(*c*) examination and discussion of the remarks in the visitor's book;

(*d*) business on the agenda paper;

10. no other business shall be discussed at a meeting of the Committee without its special permission.

VI. In all matters for which no specific provision has been made in these Rules, the orders of Government shall be obtained.

Rules regarding punishment of youthful offenders.

VII. The Superintendent shall observe the following Rules in regulating punishments of the youthful offenders:—

1. No boy shall be kept in solitary confinement for more than 12 hours at a time, and the confinement shall be during day-time only. A boy who has undergone solitary confinement shall not again be subjected to the same punishment until after an interval of at least fourteen days.

2. The period during which a boy is kept in gunny clothing shall not exceed a week.

3. Corporal punishment shall be administered after the manner of school discipline with a light cane on the palm of the hand. In no case shall the number of stripes exceed 12.

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4. No boy shall be placed on penal diet for a period exceeding three days at a time, and no boy who has been upon this diet for three days continuously shall again be placed upon it for a fresh offence, until the expiration of an interval of one week, during which interval he shall receive the ordinary diet.

5. The Superintendent may also punish boys during school hours by impositions, by loss of marks, by causing them to stand during lessons, or by keeping them in during play hours.

6. The Superintendent shall keep a separate book for entering the punishments inflicted by him.

Rules regarding mark money.

VIII. With a view to encourage good conduct and habits of industry and thrift among the youthful offenders,

1. (a) they shall be graded into three classes;

A boy, on admission, shall be placed in the lowest class, to be promoted gradually on showing improvement. The promotion in grade of a boy shall be marked by giving him better clothing and allowing him better accommodation. A grade promotion shall be given by the Superintendent only with the previous approval of the Committee of Visitors:

(b) they shall be given marks having a money value; such of them, however, as have acquired sufficient skill in an industry shall, in addition to marks, be given a small share of the value of the work turned out.

2. The maximum amount that may be earned by each youthful offender for marks in a week shall be one anna, but in the case of monitors, it may be raised to two annas; and for work, one-tenth of the total value of the articles made. The number of monitors shall be fixed at one per ten of the inmates of the institution.

3. The minimum number of marks that shall entitle a youthful offender to the maximum pecuniary reward of one anna shall be 53; a minimum of 50 marks shall entitle a youthful offender to the pecuniary reward of half an anna. For work money, no such minimum is prescribed.

4. The Superintendent shall keep a daily record of the conduct and industry of each youthful offender. For this purpose he shall keep the following registers :—

(1) Register of the conduct of each youthful offender in school.

(2) Do. Do. during work hours.

(3) Do. Do. in general.

(4) Do. of the work turned out daily by each youthful offender.

In each of these registers shall be recorded the initial letters of the words 'Good' 'Fair' or 'Bad' as the case may be, opposite the name of each youthful offender.

5. The Superintendent shall allot marks at the end of every week, in accordance with the record referred to in Rule VIII. 4. supra of each boy during the week. For every 'G' he shall give fourteen marks, for every 'F', seven marks For 'B' no marks shall be given.

6. Of the money thus earned by each youthful offender, one half may be spent by him on sweetmeats, fruits, toys and such other articles as are not forbidden admission into the Reformatory. The balance shall be deposited in the Sirkar Savings Bank in the name of the Superintendent. When any youthful offender is released from the Reformatory, the amount of his earnings deposited shall be withdrawn and paid to him with interest to date of release, or invested in whole or in part in the purchase of the implements of the trade he has learnt, at his discretion. On his discharge, each youthful offender shall be paid mileage to his home or the place where he has secured employment, at the rate of four chuckrams for each twenty miles.

7. A debtor and creditor account for each youthful offender shall be kept in the Reformatory office in a book provided for the purpose, and a statement showing the amount of money in the Savings Bank held to the credit of each shall be hung up in the school room for the information of all youthful offenders.

8. The Superintendent shall submit to the Director of Public Instruction monthly reports showing the results and expenditure under these Rules.

IX. The Director of Public Instruction, who is the Honorary Secretary of the Committee, will *ex-officio* be the medium of communication with Government.

X. These Rules shall come into force with effect from the 1st Kanni 1090.

REGULATION V OF 1067. (a)

THE CODE OF CRIMINAL PROCEDURE.

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SCHEDULE I—Regulations repealed.

SCHEDULE II—Tabular statement of offences.

SCHEDULE III—Powers of Magistrates.

Passed by His Highness the Maha Rajah of Travancore on the 14th August 1892, corresponding to the 31st Karkatakam 1067.

A Regulation to consolidate and amend the law relating to Criminal Procedure.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; We are hereby pleased to enact as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement. 1. This Regulation may be called "The Code of Criminal Procedure", and shall come into force on the first day of Thye 1068.

Local extent. It extends to the whole of Travancore, but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force.

Repeal of enactments. 2. On and from the first day of Thye 1068, the enactments mentioned in the first Schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, &c., under repealed Regulations. All Notifications published, proclamations issued, powers conferred, Forms prescribed, local limits defined, sentences passed, and orders, Rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment and which are in force immediately before the first day of Thye 1068, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made, under the corresponding Section of this Code.

Reference to Code of Criminal Procedure.

3. In every enactment passed before this Code comes into force, in which reference is made to the Code of Criminal Procedure, "Act X of 1072" (under Regulation III of 1056), such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding Chapter or Section.

Interpretation Clause.

4. In this Code, the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint."

(a) "complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police officer:

"Investigation."

(b) "investigation" includes all the proceedings under this Code for the collection of evidence conducted by the Police or by any person (other than a Magistrate or Police officer) who is authorised by a Magistrate in this behalf:

"Inquiry."

(c) "inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Trial."

(d) "trial" means the proceedings taken in Court after a charge has been drawn up; it includes the proceedings under Chapter XX:

"Judicial proceeding"

(e) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

"Writing" and "written."

(f) "writing" and "written" include "printing," "lithography," "photography," "engraving," and every other mode in which words or figures can be expressed on paper or on any substance:

"Public Prosecutor."

(g) "Public Prosecutor" means the Head or other Sirkar Vakil or any person appointed under Section 369:

"Pleader."

(h) "pleader" means—

(i) any person authorised to plead in any Criminal Court under such Rules as the High Court may prescribe under Section 7 of Regulation I of 1067;

(ii) any mukhtar or other person appointed with permission of the Court to act in proceedings [under this Code] *(a)* :

(i) "Police Station" means any post [or place] *(b)* declared, generally or specially, by the Dewan to be a Police Station for the purposes of this Code, and includes any local area specified by him in this behalf; and "Police Station."

"Officer in charge of a Police Station" includes, when the officer in charge of the Police Station is absent from the Station-house or unable from illness to perform his duties, the Police officer present at the Police Station who is next in rank to such officer and is above the rank of constable or, when the Dewan so directs, any other Police officer so present : "Officer in charge of a Police Station."

(j) "offence" means any act or omission made punishable by any law for the time being in force : "Offence"

(k) "cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police officer may, in accordance with the second Schedule, or under any law for the time being in force, arrest without warrant : "Cognizable offence" "Cognizable case."

"non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police officer may not arrest without warrant : "Non-cognizable offence" "Non-cognizable case."

(l) "bailable offence" means an offence shown as bailable in the second Schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence : "Bailable offence." "Non-bailable offence."

(m) "summons case" means a case relating to an offence punishable with fine only, or imprisonment not exceeding six months, or with both : "Summons case."

(n) "warrant case" means any case which is not a summons case : "Warrant case."

(o) "European British subject" means— "European British subject."

(i) any subject of Her Majesty the Queen-Empress of India born, naturalized or domiciled in the United Kingdom

(*a*) Added by Regulation II of 1074.

(*b*) Inserted by Regulation II of 1074.

of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(ii) any child or grand-child of any such person by legitimate descent:

"Chapter." "Schedule."

(p) "chapter" means a chapter of this Code; and "schedule" means a schedule hereto annexed:

"Place."

(q) "place" includes also a house, building, tent and vessel:

"Year." "Month."

(r) the words "year" and "month" as used in this Code mean the Malayalam calendar year and month:

"Sessions Division."

(s) "Sessions Division" means the territorial jurisdiction of a Sessions Court:

"District."

(t) "District' means the local jurisdiction of a Magistrate who is empowered to exercise all the powers conferred by this Code on a Magistrate.

Words referring to acts. Words to have same meanings as in Penal Code.

Words which refer to acts done extend also to illegal omissions; and all words and expressions used herein and defined in the Penal Code and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Trial of offences under Penal Code. Trial of offences against other laws

5. All offences under the Penal Code shall be [investigated,] (*a*) inquired into, tried, [and otherwise dealt with] (*a*), according to the provisions hereinafter contained; and all offences under any other law shall be [investigated,](*a*) inquired into, tried, [and otherwise dealt with] (*a*), according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of [investigating,] (*a*) inquiring into, trying, [or otherwise dealing with] (*a*), such offences.

6. [*Repealed by Regulation II of 1074*]

(*a*) Inserted by Regulation II of 1074

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PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.—OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

Classes of Criminal Courts.

7. Besides the High Court, there shall be four classes of Criminal Courts in Travancore, namely:—

I—Courts of Session :

II—Courts of Magistrates of the First Class:

III—Courts of Magistrates of the Second Class:

IV—Courts of Magistrates of the Third Class.

Note.—This classification does not embrace the Criminal Courts referred to in Chapter XXXII.

All Criminal Courts existing when this Code comes into force shall be deemed to have been established under this Regulation.

Existing Divisions, Districts and other local areas maintained till altered.

8. The Sessions Divisions, Districts and other local areas forming the jurisdictions of the Magistrates, existing at the time this Code comes into force, shall he deemed to have been constituted under it, and their number and limits may, with Our sanction, he altered from time to time, by Notification in our Government Gazette.

Sessions Judge. Additional Sessions Judge.

9. There shall be a Sessions Judge for every Sessions Court. Additional Sessions Judges may be appointed to exercise jurisdiction in one or more such Courts.

District Magistrate.

10. In every District, there shall be a Magistrate of the First Class who shall be called the District Magistrate, and he shall exercise throughout such District all the powers conferred by this Code on a Magistrate.

Subordinate Magistrates.

11. Besides the District Magistrate appointed in a District, there may be as many other Magistrates of the First, Second or Third Class as it may be necessary to have.

Special Magistrates.

12. Our Government may, by Notification in the Government Gazette, confer upon any person all or any of the powers

conferred by this Code on a Magistrate of the First, Second or Third Class, in respect to particular cases or to a particular class or particular classes of cases or in regard to cases generally in any local area.

Such Magistrates shall be called Special Magistrates.

No powers shall be conferred under this Section on any Police officer below the grade of Assistant Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime, and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Subordination of Magistrates to District Magistrate.

13. All Magistrates of the classes appointed in a District under Sections 11 and 12 shall be subordinate to the District Magistrate.

Neither the District Magistrate nor the Magistrates appointed under Sections 11 and 12 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

Appointments of Judges and Magistrates to be notified in the Gazette.

14. The appointments of all Judges and Magistrates under this Code shall be notified in the Government Gazette.

Whenever all or any of the powers of a Magistrate conferred upon any person are withdrawn, such withdrawal shall be notified in the Gazette.

CHAPTER III. POWERS OF COURTS.

A—Description of offences cognizable by each Court.

Offences under Penal Code.

15. Subject to the other provisions of this Code, any offence under the Penal Code may be tried by the Court of Session or by any other Court by which such offence is shown in the eighth column of the second Schedule to be triable.

Offences under other laws.

16. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court

When no Court is so mentioned, it may be tried by any Court other than the High Court constituted under this Code:

Provided that—

(*a*) no Magistrate of the First Class shall try any such offence wich is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the Second Class shall try any such offence which is punishable with imprisonment for a term which may exceed three years;

(*c*) no Magistrate of the Third Class shall try any such offence which is punishable with imprisonment for a term which may exceed one year.

B—Sentences which may be passed by Courts of various classes

Sentences which High Court and Sessions Judges may pass.

17. The High Court may pass any sentence authorised by law; but sentences of death or imprisonment for life passed or confirmed by that Court shall be subject to Our approval.

A Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death or imprisonment for life passed by any such Judge shall be subject to confirmation by the High Court.

Sentences which Magistrates may pass.

18. The Courts of Magistrates may pass the following sentences, namely:—

(*a*) Courts of Magistrates of the First Class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorised by law; fine not exceeding one thousand rupees; whipping.
(*b*) Courts of Magistrates of the Second Class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorised by law; fine not exceeding two hundred rupees; whipping.
(*c*) Courts of Magistrates of the Third Class:	Imprisonment for a term not exceeding one month; fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorised by law to pass.

Power of Magistrates to sentence to imprisonment in default of fine.

19. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorised by law in case of such default:

Proviso as to certain cases.

Provided that the term is not in excess of the Magistrate's powers under this Code:

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, shall the period of imprisonment awarded in default of payment of the fine, exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

The imprisonment awarded under this Section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under Section 18.

Sentence in cases of conviction of several offences at one trial.

20. When a person is convicted at one trial of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided as follows:—

Maximum term of punishment.

(*a*) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(*b*) if the case is tried by a Magistrate, the aggregate punishment shall not exceed twice the amount of

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punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of appeal, aggregate sentences passed under this Section in case of convictions for several offences at one trial, shall be deemed to be a single sentence.

[*Explanation.*—Separable offences which come within the provisions of Section 60 of the Penal Code are not distinct offences within the meaning of this Section.

Illustration.

A breaks into a house with intent to commit theft and steals property therein. A has not committed distinct offences.] (*a*)

C—Powers of Magistrates.

Powers of Magistrates.

21. All District Magistrates and Magistrates of the First, Second and Third Classes have the powers hereinafter respectively conferred upon them and specified in the Third Schedule [Such powers are called their ordinary powers](*b*)

Additional powers conferrable on First and Second Class Magistrates.

[21 A. In addition to his ordinary powers, any Magistrate of the First or Second Class may be invested by Our Government with any powers specified in the Fourth Schedule as powers with which he may be invested by Our Government.] (*b*)

D—Continuance of powers.

Continuance of powers of officers transferred.

22. Whenever any person holding an office in the service of Our Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area, he shall, unless Our Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

(*a*) Added by Regulation II of 1074

(*b*) Added by Regulation IV of 1082

PART III.
GENERAL PROVISIONS.

CHAPTER IV—OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Public when to assist Magistrates and Police.

23. Every person is bound to assist a Magistrate or Police officer reasonably demanding his aid

(*a*) in the taking of any other person whom such Magistrate or Police officer is authorised to arrest ;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any canal, telegraph or public property ; or

(*c*) in the suppression of a riot or an affray.

Aid to person other than Police officer executing warrant.

24. When a warrant is directed to a person other than a Police officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

25. [Every person aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following Sections of the Penal Code, (namely), 111, 112, 113, 114, 115, 116, 117, 118, 119, 123, 125, 126, 127, 130, 140, 301, 302, 303, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 436, 437, 451, 452, 458, 459, 460, 461 and 462, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police officer of such commission or intention.

For the purposes of this Section, the term 'offence' includes any act committed in British India or in any Native State under the Suzerainty of Her Majesty the Queen-Empress, which would constitute an offence if committed in Travancore.]*(a)*

Village servants, land holders and others bound to report certain matters

26. Every village servant (Munnilakaren, Desakuvalkaren), owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government, shall

(*a*) Substituted by Regulation II of 1074.

forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police Station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is the village servant, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances;

[(*e*) the commission of, or intention to commit, in British India or in any Native State under the Suzerainty of Her Majesty the Queen-Empress, near such village, any act which, if committed in Travancore, would be an offence punishable under any of the following Sections of the Penal Code, (namely), 111, 301, 303, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 436, 437, 451, 452, 459, 460, 461 and 462;

(*f*) any matter likly to affect the maintenance of order, or the prevention of crime, or the safety of person or property respecting which Our Government has by general or special order directed him to communicate information.] (*a*)

Explanation I.—In this Section "village" includes village lands.

[*Explanation II.*—The expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established by Us in any part of Travancore or by the Governor-General in Council in any part of India, in respect of any act which, if committed in Travancore, would be punishable under any of the following Sections of the Penal Code, (namely), 111, 301, 303, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 436, 437, 451, 452, 459, 460, 461, and 462]. (*a*)

(*a*) Added by Regulation II of 1074.

CHAPTER V—OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made.

27. In making an arrest, the Police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police officer or other person may use all means necessary to effect the arrest.

Nothing in this Section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with imprisonment for life.

Search of place entered by person sought to be arrested.

28. If any person acting under a warrant of arrest, or any Police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police officer, allow him free ingress thereto and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

29. If ingress to such place cannot be obtained under Section 28, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape, for a Police officer, to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zenana.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) such person or Police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it,

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Power to break open doors and windows for purposes of liberation.

30. Any Police officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint

31. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons

32. Whenever a person is arrested by a Police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel found upon him.

Mode of searching women.

33. When it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons

34. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B—Arrest without warrant.

When Police may arrest without warrant.

35. Any Police officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of Our Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police officer while in the execution of his duty, or who has escaped, or attempts to escape from lawful custody;

[*sixthly*—any person reasonably suspected of being a deserter from the Army of Her Majesty the Queen-Empress or from Our Nayar Brigade or Body Guard;

seventhly—any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed in British India or in any Native State under the Suzerainty of Her Majesty the Queen-Empress, which, if committed in Travancore, would have been punishable as an offence, and for which he is, under any law or usage relating to extradition, liable to be apprehended or detained in custody in Travancore; and

eighthly—any released convict committing a breach of any Rule made under Section 434.](a)

Arrest of vagabonds, habitual robbers, &c.

36. Any Police officer in charge of a Police Station not below the rank of a Head Constable may, in like manner, arrest or cause to be arrested—

(a) any person found taking precautions to conceal his presence within the limits of the Station or Stations under his charge, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;

(a) Added by Regulation II of 1074.

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(*b*) any person within such limits who has no ostensible means of subsistence or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute a habitual robber, house-breaker or thief, or a habitual receiver of stolen property knowing it to be stolen.

Procedure when Police officer deputes subordinate to arrest without warrant.

37. When any officer in charge of a Police Station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Refusal to give name and residence.

38. [When any person who, in the presence of a Police officer, has committed or has been accused of committing a non-cognizable offence, refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties to appear before a Magistrate, if so required: Provided that, if such person is not resident in Travancore, the bond shall be secured by a surety or sureties resident in Travancore.

Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest, or should he fail to execute the bond, or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.] (*a*)

Pursuit of offenders into other jurisdictions.

39. A Police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest under this Chapter, pursue such person into any place in Travancore.

(*a*) Substituted by Regulation II of 1074.

Arrest by private person.

40. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Procedure on such arrest.

and shall, without unnecessary delay, make over any person so arrested to a Police officer, or, in the absence of a Police officer, take such person to the nearest Police Station.

If there is reason to believe that such person comes under the provisions of Section 35, a Police officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of Section 38. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

Person arrested to be taken before Magistrate or officer in charge of Police Station.

41. A Police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police Station.

Person arrested not to be detained more than twenty four hours.

42. No Police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 149, exceed twenty four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

43. Officers in charge of Police Stations shall report without delay to the District Magistrate, the cases of all persons arrested without warrant, within the limits of their respective Stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

44. No person who has been arrested by a Police officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Whenever an arrested person is discharged by a Police officer under this Section, otherwise than under a special order of a Magistrate, such officer shall at once make a report of the fact to the District Magistrate, and if the discharge was made when the arrested person was detained under an order from a Magistrate other than a District Magistrate, the Police officer shall also make a report to the Magistrate who authorised the detention of such person.

Offence committed in Magistrate's presence.

45. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of Magistrate.

46. Any Magistrate may at any time arrest or direct the arrest in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake.

47. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued, may immediately pursue and arrest him in any place in Travancore.

Provisions of Sections 28, 29 and 30 to apply to arrests under Section 47.

48. The provisions of Sections 28, 29 and 30 shall apply to arrests under Section 47, although the person making any such arrest is not acting under a warrant and is not a Police officer having authority to arrest.

CHAPTER VI—OF PROCESSES TO COMPEL APPEARANCE.

A—Summons.

Form of summons.

49. Every summons issued by a Court under this Code shall be in writing, in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by Rule direct.

Summons by whom served.

Such summons shall be served by a Police officer, or subject to such Rules consistent with this Code as the Government may prescribe in this behalf, by any other public servant or class of public servants.

Summons how served.

50. The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

Every person on whom a summons is so served shall sign a receipt therefor on the back of the other duplicate.

Service when person summoned cannot be found.

51. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family; and the person with whom the summons is so left shall sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained

52. If the signature mentioned in Sections 50 and 51 cannot, by the exercise of due diligence, be obtained, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or home-stead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Endorsement to be made by serving officer.

53. The serving officer shall state truly by endorsement on the original summons the date on, and the manner in which, he served the summons under Sections 50 and 51 and the circumstances under which he affixed the duplicate under Section 52.

Service on servant of Government.

54. Where the person summoned is in the active service of the Government, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by Section 50 and shall return it to the Court with the endorsement required by that Section.

Service of summons outside local limits

55. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases, and when serving officer not present

56. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in

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manner provided by Section 50, or Section 51, or Section 52) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this Section may be attached to the duplicate of the summons and returned to the Court.

B Warrant of arrest.

Form of warrant of arrest.

57. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer; and shall bear the seal of the Court.

Continuance of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it or until it is executed.

Court may direct security to be taken.

58. Any Court issuing a warrant for the arrest of any person may, in its discretion, direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter, until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state, (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Recognizance to be forwarded.

Whenever security is taken under this Section, the officer to whom the warrant is directed shall forward the bond to the Court.

Warrants to whom directed.

59. A warrant of arrest shall ordinarily be directed to one or more Police officers; but the Court issuing such a warrant may, if its immediate execution is necessary and no Police officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrant to several persons.

When the warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more of them.

Warrant may be directed to landholders, etc.

60. A District Magistrate may direct a warrant to any landholder, farmer or manager of land within his District, for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence and who has eluded pursuit.

Such landholder, farmer or manager, shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under Section 58

Warrant directed to Police officer.

61. A warrant directed to any Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

[Any Police officer executing a warrant under this Section may take security for appearance as provided in Section 58.](a)

Notification of substance of warrant.

62. The Police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Person arrested to be brought before Court without delay.

63. The Police officer or other person executing a warrant of arrest shall (subject to the provisions of Section 58 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Where warrant may be executed.

64. A warrant of arrest may be executed at any place in Travancore.

Warrant forwarded to Magistrate for execution outside jurisdiction.

65. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police

(a) Added by Regulation II of 1074.

officer, forward the same by post or otherwise to any Magistrate within the local limits of whose jurisdiction it is to be executed.

The Magistrate to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

Warrant directed to Police officer for execution outside jurisdiction.

66. When a warrant directed to a Police officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police officer not below the rank of an officer in charge of a Station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police officer shall endore his name thereon, and such endorsement shall be sufficient authority to the Police officer to whom the warrant is directed to execute the same within such limits, and the local Police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

Procedure on arrest of person against whom warrant issued

67. When a warrant of arrest is executed outside the District in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate within the local limits of whose jurisdiction the arrest was made, or unless security is taken under Section 58, be taken before such Magistrate.

Procedure by Magistrate before whom person arrested is brought.

68. Such Magistrate shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable and such person is ready and willing to give bail to the satisfaction of such Magistrate, or a direction has been endorsed under Section 58 on the

warrant and such person is ready and willing to give the security required by such direction, the Magistrate shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

Nothing in this Section shall be deemed to prevent a Police officer from taking security under Section 58.

C—Proclamation and attachment.

Proclamation for person absconding.

69. If any Court has reason to believe (whether after taking evidence or not) that any person, against whom a warrant has been issued by it, has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows :—

(*a*) It shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides ;

(*b*) it shall be affixed to some conspicuous part of the house or home-stead in which such person ordinarily resides or to some conspicuous place of such town or village ; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this Section have been complied with and that the proclamation was published on such day.

Attachment of property of person absconding.

70. The Court may, after issuing a proclamation under Section 69, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person.

Such order shall authorise the attachment of any property belonging to such person within the District in which it is made ; and it shall authorise the attachment of any property belonging to such person without such District, when endorsed by the District Magistrate within whose District such property is situate.

If the property ordered to be attached be debts or other movable property, the attachment under this Section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immovable, the attachment under this Section shall, in the case of land paying revenue to Government, be made through the Dewan Peishkar of the Division in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

[If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case, the proceeds of the sale shall abide the order of the Court.] (*a*)

The powers, duties and liabilities of a receiver appointed under this Section shall be the same as those of a receiver appointed under the Code of Civil Procedure for the time being in force.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit

(*a*) Added by Regulation II of 1074.

of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property.

71. If, within two years from the date of the attachment, any person, whose property is or has been at the disposal of Government under the last paragraph of Section 70, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the net proceeds of the sale, or if part only thereof has been sold, the net proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other Rules regarding processes.

Issue of warrant in lieu of or in addition to summons.

72. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

73. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Arrest on breach of bond for appearance.

74. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

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Provisions in this Chapter generally applicable to summonses and warrants of arrest.

75. The provisions contained in this Chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII—OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A—Summons to produce.

Summons to produce document, or other thing.

76. Whenever any Court considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court, such Court may issue a summons to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons.

Any person required under this Section merely to produce a document or other thing shall be deemed to have complied with the requisition, if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this Section shall be deemed to authorise any person to give any evidence derived from unpublished official records relating to affairs of State except with the permission of the Dewan, or to compel any public officer to disclose official communications made to him in official confidence, when he considers that public interests would suffer by the disclosure, or to apply to a letter, Anchal card, or other document, [or any parcel or thing] (*a*) in the custody of Our Anchal authorities.

Procedure as to letters.

77. If any document, [parcel or thing] (*a*) in the custody of the Anchal authorities is, in the opinion of any District Magistrate or Court of Session or the High Court, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Anchal authorities to produce such document, [parcel or thing] (*a*) before such Magistrate or Court.

(*a*) Inserted by Regulation II of 1074.

If any such document, [parcel or thing] (*a*) is, in the opinion of any other Magistrate or the Superintendent of Police, wanted for any such purpose, he may require the Anchal Department to cause search to be made for and to detain such document [parcel or thing] (*a*), pending the orders of any such District Magistrate or Court.

B—Search-warrants.

When search-warrant may be issued.

78. Where any Court has reason to believe that a person to whom a summons or order under Section 76 or a requisition under Section 77, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and with the provisions hereinafter contained.

Nothing herein contained shall authorise any Magistrate other than a District Magistrate, to grant a warrant to search for a document, [parcel or other thing] (*a*) in the custody of Our Anchal avthorities.

Power to restrict warrant.

79. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, &c.

80. If a District Magistrate or Magistrate of the First Class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

(*a*) Inserted by Regulation II of 1074.

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorise any Police officer above the rank of a Head Constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coin therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coin, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coin, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

81. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such things, together with the list of the same prepared under the provisions hereinafter contained shall be immediately taken before the Court issuing the

warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorising them to be taken to such Court.

C—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

82. If any District Magistrate or Magistrate of the First Class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate who shall make such order as in the circumstances of the case seems proper.

D—General provisions relating to searches.

Direction, &c., of search-warrants.

83. The provisions of Sections 24, 57, 59, 61, 64, 65 and 66 shall, so far as may be, apply to all search-warrants issued under Section 78, Section 80 or Section 82.

Persons in charge of closed place to allow search.

84. Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by Section 29.

[Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is an woman, the directions of Section 33 shall be observed.] (*a*)

(*a*) Added by Regulation II of 1074.

Search to be made in presence of witnesses.

85. Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this Section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this Section, signed by the said witnesses, shall be deliverd to such occupant or person.

[When any person is searched under Section 84, a list of all things taken possession of shall he prepared, and a copy thereof shall be delivered to such person at his request.] (a)

E—Miscellaneous.

Power to impound document, etc., produced.

86. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Magistrate may direct search in his presence.

87. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Time for execution of search-warrants.

88. Except under special circumstances to be duly recorded, all search-warrants shall be executed between sunrise and sun-set.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.—OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A—Security for keeping the peace on conviction.

Security for keeping the peace on conviction.

89. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with

(a) Added by Regulation II of 1074.

the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before the High Court, a Court of Session or a District Magistrate, or a Magistrate of the First Class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

[An order under this Section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.] (a)

B—Security for keeping the peace in other cases and security for good behaviour.

Security for keeping the peace in other cases.

90. Whenever a District Magistrate or Magistrate of the First Class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

[Proceedings shall not be taken under this Section, unless the person informed against is within the local limits of such Magistrate's jurisdiction.] (a)

(a) Added by Regulation II of 1074.

Procedure of Magistrate, etc., not empowered to act under Section 90.

91. When any Magistrate not empowered to proceed under Section 90, or a Court of Session or the High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under Section 90.

A Magistrate before whom a person is sent under this Section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

Security for good behaviour from vagrants and suspected persons.

92. Whenever a District Magistrate or Magistrate of the First Class receives information—

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

93 [Whenever a District Magistrate or a Magistrate of the First Class receives information that any person, within the local limits of his jurisdiction,

(a) is by habit a robber, house-breaker or thief, or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(*d*) habitually commits mischief, extortion, or cheating, or counterfeiting coin, currency notes, or stamps, or attempts so to do, or

(*e*) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.] (*a*)

Provisio as to European vagrants.

94. The provisions of Sections 92 and 93 do not apply to European British subjects who may be deported as vagrants by Our Government or by any Special Magistrate who may be empowered by Us in this behalf.

Order to be made.

95. When a Magistrate acting under Section 90, Section 92 or Section 93 deems it necessary to require any person to show cause under such Section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character, and class of sureties (if any) required.

Procedure in respect of person present in Court.

96. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

97. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

Provided that, whenever it appears to such Magistrate, upon the report of a Police officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

(*a*) Substituted by Regulation II of 1074.

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Copy of order under Section 95 to accompany summons or warrant

98. Every summons or warrant issued under Section 97 shall be accompained by a copy of the order made under Section 95 and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance

99. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information

100. When an order under Section 95 has been read or explained under Section 96 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under Section 97, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Such inquary shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant cases, except that no charge need be framed.

For the purposes of this Section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

Order to give security.

101. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under Section 95:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive :

thirdly—that, when the person in respect of whom the enquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

102. If, on an inquiry under Section 100, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the enquiry, shall release him, or, if such person is not in custody, shall discharge him.

C—Proceedings in all cases subsequent to order to furnish security.

Commencement of period for which security is required.

103. If any person in respect of whom an order requiring security is made under Section 89 or Section 101 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

If any person who is in prison in pursuance of an order made under Section 89 or Section 101, is, subsequent to the date of such order and on conviction for an offence, sentenced to imprisonment, the unexpired portion of the imprisonment which he is then undergoing in pursuance of the order made under Section 89 or Section 101, shall remain in abeyance until the expiration of the sentence of imprisonment awarded for the offence, and begin to run from the date of the expiry of such sentence of imprisonment.

In other cases such period shall commence on the date of such order.

Contents of bond.

104. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties

105. A Magistrate may refuse to accept any surety for good behaviour offered under this Chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Imprisonment in default of security.

106. If any person ordered to give security under Section 89 or Section 101 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Proceedings when to be laid before Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

[If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order and shall await the orders of such Court or Magistrate.] *(a)*

Kind of imprisonment.

Imprisonment for failure to give security for keeping the peace shall be simple.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

(a) Inserted by Regulation II of 1074.

Power to release persons imprisoned for failing to give security.

107. Whenever the District Magistrate is of opinion that any person imprisoned for failing to give security under this Chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

[Whenever any person has been imprisoned for failing to give security under this Chapter, the District Magistrate may (unless the order has been made by some Court superior to his own) make an order reducing the amount of the security, or the number of sureties, or the time for which security has been required.] (*a*)

Whenever the District Magistrate is of opinion that any person imprisoned for failing to give security under this Chapter as ordered by the Court of Session or High Court, may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session, or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District Magistrate to cancel any bond for keeping the peace.

108. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this Chapter by order of any Court in his District not superior to his Court.

Discharge of sureties.

109. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a District Magistrate or Magistrate of the First Class to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the

(*a*) Inserted by Regulation II of 1074.

original security. Every such order shall, for the purposes of Sections 104, 105, 106 and 107 be deemed to be an order made under Section 89 or Section 101, as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

Assembly to disperse on order of Magistrate or Police officer.

110. Any Magistrate or officer in charge of a Police Station may order any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse.

111. If, upon being so ordered, any such assembly does not disperse, or if, without being so ordered, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police Station, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or a sepoy of the Nayar Brigade acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of Military force.

112. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by Military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

113. When a Magistrate determines to disperse any such assembly by Military force, he may require any officer of the Nayar Brigade to disperse such assembly by Military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned Military officers to disperse assembly.

114. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of the Nayar Brigade may disperse such assembly by Military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; if while he is acting under this Section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this Chapter.

115. No prosecution against any Magistrate, Military officer, Police officer or sepoy of the Nayar Brigade for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of Our Government; and

(*a*) no Magistrate or Police officer acting under this Chapter in good faith,

(*b*) no officer acting under Section 114 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under Section 111 or Section 113, and

(*d*) no inferior officer, or sepoy doing any act in obedience to any order which under Military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

116. Whenever a District Magistrate considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building [or tree] *(a)* is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying or business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, [tree,]*(a)* substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or
to suppress or remove such trade or occupation; or
to remove such goods or merchandise; or
to prevent or stop the construction of such building; or
to remove, repair or support it; or
[to remove such tree; or]*(a)*
to alter the disposal of such substance; or
to fence such tank, well or excavation, as the case may be; or

to appear before him at a time and a place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this Section shall be called in question in any Civil Court.

Explanation.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

(a) Inserted by Regulation 11 of 1074.

Service or notification of order.

117. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Magistrate may direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey, or show cause or claim Panchayet.

118. The person against whom such order is made shall —

(*a*) perform, within the time specified in the order, the act directed thereby; or

(*b*) appear in accordance with such order, and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a Panchayet to try whether the same is reasonable and proper.

Consequence of his failing to do so.

119. If such person does not perform such act or appear and show cause or apply for the appointment of a Panchayet as required by Section 118, he shall be liable to the penalty prescribed in that behalf in Section 181 of the Penal Code; and the order shall be made absolute.

Procedure where he appears to show cause.

120. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceeding shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims Panchayet.

121. On receiving an application under Section 118 to appoint a Panchayet, the Magistrate shall —

(*a*) forthwith appoint a Panchayet consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

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(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit, and

(*c*) fix a time within which they are to return their verdict.

Procedure where Panchayet finds Magistrate's order to be reasonable.

122. If the Panchayet or a majority of them find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

Procedure on order being made absolute.

123. When an order has been made absolute under Section 119, Section 120 or Section 122, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by Section 181 of the Penal Code.

Consequences of disobedience to order.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorise its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this Section.

Procedure on failure to appoint Panchayet or omission to return verdict.

124. If the applicant by neglect or otherwise prevents the appointment of the Panchayet, or, if from any cause the Panchayet appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by Section 123.

Injunction pending inquiry.

125. If a Magistrate making an order under Section 116 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a Panchayet is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this Section.

Magistrate may prohibit repetition or continuance of public nuisances.

126. A District Magistrate or any Magistrate of the First Class may order any person not to repeat or continue a public nuisance, as defined in the Penal Code or any special or local law.

CHAPTER XI.—TEMPORARY ORDERS IN URGENT CASES OF NUISANCE.

Power to issue order absolute at once in urgent cases of nuisance.

127. In cases, where, in the opinion of a District Magistrate, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by Section 117, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this Section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this Section may be directed to a particular individual or to the public generally when frequenting or visiting a particular place.

Any such Magistrate may rescind or alter any order made under this Section by him or by his predecessor in office.

No order under this Section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, Our Government, by Notification in the Official Gazette, otherwise directs.

CHAPTER XII—DISPUTES AS TO IMMOVABLE PROPERTY.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

128. [(1) Whenever a District Magistrate or Magistrate of the First Class is satisfied from a Police report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the facts of actual possession of the subject of dispute.

(2) For the purposes of this Section, the expression "land or water" includes buildings, markets, fisheries, crops, or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.

Inquiry as to possession.

(4) The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such

further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties was, at the date of the order before mentioned, in such possession of the said subject:

Provided that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also, that if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this Section.

(5) Nothing in this Section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

Party in possession to retain possession until legally evicted.

(6) If the Magistrate decides that one of the parties was in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law and forbidding all disturbance of such possession until such eviction.

(7) Proceedings under this Section shall not abate by reason only of the death of any of the parties thereto.] (*a*)

Power to attach subject of dispute.

129. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it in the manner provided by Section 70 until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

[When the Magistrate attaches the subject of dispute, he may, if he thinks fit, appoint a receiver thereof, who, subject

(*a*) Substituted by Regulation II of 1074.

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to the control of the Magistrate, shall have all the powers of a receiver appointed under the Code of Civil Procedure.] *(a)*

Disputes concerning easements, &c.

130. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right [of use of any land or water (including any right of way or easement over the same)] *(b)* within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Provided that no order shall be passed under this Section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, [or on particular occasions,] *(b)* unless the right has been exercised during the [last of such seasons or occasions] *(b)* before such institution.

Local inquiry.

131. Whenever a local inquiry is necessary for the purposes of this Chapter, any District Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

Order as to costs.

When any costs have been incurred by any party to a proceeding under this Chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under

(*a*) Added by Regulation II of 1074.

(*b*) Substituted by Regulation II of 1074.

Section 128, Section 129, or Section 130, may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines. He shall fix such amount for pleaders' fees not exceeding Rs. 50 as he may consider reasonable in the circumstances of the case.

CHAPTER XIII—PREVENTIVE ACTION OF THE POLICE.

Police to prevent cognizable offences.

132. Every Police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any cognizable offence.

Information of design to commit such offences.

133. Every Police officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

134. A Police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

135. A Police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal or injury of any public land-mark or buoy or other mark used for navigation.

PART V.
INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases.

136. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police Station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it.

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and the substance thereof shall be entered in a book to be kept by such officer in such Form as Our Government may prescribe in this behalf.

Information in non-cognizable cases.

137. When information is given to an officer in charge of a Police Station of the commission within the limits of such Station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

No Police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the same for trial.

Any Police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police Station may exercise in a cognizable case.

Investigation into cognizable cases.

138. Any officer in charge of a Police Station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such Station would have power to enquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this Section to investigate.

[Any Magistrate referred to in Section 170 may order such an investigation as above mentioned.] (*a*)

Procedure where cognizable offence suspected.

139. If, from information received or otherwise, an officer in charge of a Police Station has reason to suspect the commission of a cognizable offence, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender:

(*a*) Added by Regulation II of 1074.

Provided as follows:

Where local investigation dispensed with.

(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police Station need not proceed in person, or depute a subordinate officer to make an investigation on the spot:

Where Police officer in charge sees no sufficient ground for investigation.

(b) if it appear to the officer in charge of a Police Station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in Clauses (*a*) and (*b*), the officer in charge of the Police Station shall submit to the Magistrate having jurisdiction over the case a report setting forth his reasons for not fully complying with the requirements of the first paragraph of this Section.

Reports under Section 139 how submitted.

140. Every report sent to a Magistrate under Section 139 shall, if Our Goverment so directs, be submitted through such superior officer of Police as Our Government, by general or special order, appoints in that behalf.

Such superior officer may give such instructions to the officer in charge of the Police Station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry.

141. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police officer's power to require attendance of witnesses.

142. Any Police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining Station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Examination of witnesses by Police.

143. Any Police officer making an investigation under this Chapter may examine orally any person supposed to

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be acquainted with the facts and circumstances of the case, and may reduce into writing any statement, made by the person so examined.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a Criminal charge or to a penalty or forfeiture.

Statements to Police not to be signed or admitted in evidence.

144. [No statement, other than a dying declaration, made by any person to a Police officer in the course of an investigation under this Chapter shall, if taken down in writing, be signed by the person making it nor shall such writing be used as evidence:

Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof and such statement may be used to impeach the credit of such witness.] (*a*)

No inducement to be offered.

145. No Police officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise to obtain a confession of the offence with which the person accused is charged as may give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

But no Police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

Nothing in the first part of this Section shall be deemed to affect the admissibility in evidence of any confession made after the impression caused by such inducement.

(*a*) Substituted by Regulation II of 1074.

threat or promise has, in the opinion of the Court, been fully removed.

Power to record statements and confessions.

146. Any Magistrate not being a Police officer may record any statement or confession made to him in the course of an investigation under this Chapter, or at any time afterwards before the commencement of the inquiry or trial.

Such statements shall be recorded in such of the modes hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in Section 271, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.

Magistrate."

[*Explanation.*—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.] (*a*)

Search by Police officer.

147. Whenever an officer in charge of a Police Station, or a Police officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorised to investigate, and there is reason to believe that if immediate action is not taken, the person who has possession or custody of such document or thing is likely to

(*a*) Added by Regulation II of 1074.

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cause the disappearance of such document or thing, or to remove it out of the limits of the Station of which such officer is in charge, such officer may search, or cause search to be made for the same, in any place within the limits of the Station of which he is in charge, or to which he is attached.

Such officer shall conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this Section.

When officer in charge of Police Station may require another to issue search-warrant.

148. An officer in charge of a Police Station may require an officer in charge of another Police Station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own Station.

Such officer, on being so required, shall proceed according to the provisions of Section 147, and shall forward the thing found, if any, to the officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty four hours.

149. Whenever it appears that any investigation under this Chapter cannot be completed within the period of twenty four hours fixed by Section 42, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police Station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this Section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days [on the whole] (*a*). If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorising under this Section detention in the custody of the Police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate, he shall forward a copy of his order, with his reasons for making it, to the District Magistrate. It shall be competent to such District Magistrate to cancel or modify the order authorising the detention of the accused persons.

Report of investigation by subordinate Police officer.

150. When any subordinate Police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the Police Station.

Release of accused when evidence deficient.

151. If, upon an investigation under this Chapter, it appears to the officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a Police report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

152. If, upon an investigation under this Chapter, it appears to the officer in charge of the Police Station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under

(*a*) Inserted by Regulation II of 1074.

custody to a Magistrate empowered to take cognizance of the offence upon a Police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

When the officer in charge of a Police Station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this Section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this Section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany Police officer

153. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in Section 153, the officer in charge of the Police Station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond or until the hearing of the case is completed.

Diary of proceedings in investigation.

154. Every Police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the Police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the Police officer who made them to refresh his memory, such diaries must be produced and shown to the accused who may cross-examine the Police officer thereupon, or if the Court uses them for the purpose of contradicting such Police officer, the attention of the Police officer must be called to those parts of the diaries which are to be used for the purpose of contradicting him.

Report of Police officer.

155. Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of a Police Station shall forward to a Magistrate empowered to take cognizance of the offence on a Police report, a report in the Form prescribed by Our Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case,

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and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of Police has been appointed under Section 140, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police Station to make further investigation.

Whenever it appears from a report forwarded under this Section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond, or otherwise as he thinks fit.

Police to inquire and report on suicide, &c.

156. Every Inspector or Sub-Inspector of Police in charge of a taluk or part thereof, or, during his absence on other duty, every officer in charge of a Police Station, on receiving information that a person—

(*a*) has committed suicide, or,

(*b*) has been killed by another, or by an animal or by machinery, or by an accident, or,

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate and, unless otherwise directed by any Rule prescribed by Our Government, or by any general or special order of the District Magistrate, shall proceed to the place where the body of the deceased is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate.

The opinion of those who do not concur in the report shall be obtained in writing and submitted with the report.

When there is any doubt regarding the cause of death, or when for any other reason the Police officer considers it expedient so to do, he shall, subject to such Rules as Our Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest medical officer appointed in this behalf by Our Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

All Magistrates are empowered to hold inquests.

Power to summon persons.

157. An officer in charge of a Police Station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a Criminal charge or to a penalty or forfeiture.

If the facts do not disclose a cognizable offence to which Section 152 applies, such persons shall not be required by the Police officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death.

158. When any person dies while in the custody of the Police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in Section 156, Clauses (*a*), (*b*) and (*c*), any Magistrate may hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

Power to disinter corpse.

159. Whenever a Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of inquiry or trial.

Ordinary place of inquiry and trial.

160. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Accused triable in District where act is done, or where consequence ensues.

161. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X and is during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

Place of trial where act is offence by reason of relation to other offence.

162. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first mentioned offence may be inquired into

or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

163. The offence of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

[The offence of criminal breach of trust by a public servant may also be inquired into or tried by a Court within the local limits of whose jurisdiction the office, in which such servant is employed or to which he should render accounts, is permanently located].(*a*)

Stealing.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any

(*a*) Inserted by Regulation II of 1074.

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person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene of offence is uncertain; or not in one District only;

164. When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing;

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey.

165. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

High Court to decide, in case of doubt, District where inquiry or trial shall take place.

166. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this Chapter be inquired into or tried, the High Court may decide by which Court the offence shall be inquired into or tried.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

167. When a District Magistrate or a Magistrate of the First Class sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without Travancore) an offence which cannot, under the provisions of Sections 160 to 165 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in Travancore, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction, and the Magistrate acting under this Section cannot satisfy himself as to the Magistrate before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Procedure where warrant issued by subordinate Magistrate.

168. If the person has been arrested under a warrant issued under Section 167 by a Magistrate other than a District Magistrate, such Magistrate shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same District other than that of the Magistrate acting under Section 167, such Magistrate shall send such person to such Court.

169. [*Repealed by Regulation III of 1874.*]

B—Conditions requisite for initiation of proceedings.

Cognizance of offences by Magistrates.

170. Except as hereinafter provided, any Magistrate may take cognizance of any offence which he may try or commit for trial—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a Police report of such facts;

[(*c*) upon a report received from an Excise or Abkari officer regarding offences against the Excise or Abkari laws or from a Forest officer regarding offences against the Forest laws.] (*a*)

And a Magistrate of the First Class [or any Magistrate of the Second Class who is empowered by our Government in this behalf,] (*a*) may also take cognizance of a case upon

(*a*) Added by Regulation VII of 1865.

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information received from any person other than a Police officer or upon his own knowledge or suspicion that such offence has been committed.

When a Magistrate takes congnizance of an offence under para 2 of this Section, the accused, or when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committed to the Court of Session.

Transfer of cases by Magistrates.

171. Any District Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him and competent to inquire into or try such case.

Any District Magistrate may empower any Magistrate of the First Class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

Cognizance of offences by Courts of Session

172 Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate.

Cases to be tried by Additional Sessions Judges

Additional Sessions Judges shall try such cases only as Our Government by general or special order directs them to try.

Prosecution for contempts of lawful authority of public servants.

173. No Court shall take cognizance—

(*a*) of any offence punishable under Sections 165 to 181 (both inclusive) of the Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Prosecution for certain offences against public justice.

(*b*) of any offence punishable under Sections 187, 188, 189, 190, 193, 194, 200, 201, 202, 203, 204, 205, 206 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for certain offences relating to documents given in evidence.

(*c*) of any offence described in Section 463, or punishable under Section 473, 477 or 478 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document [produced or] (*a*) given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for defamation in respect of anything said or done in the Sri Mulam Popular Assembly by the Members thereof.

[(*d*) of any offence described in Section 503 of the same Code when such offence has been committed by a Member of the Sri Mulam Popular Assembly, for anything said or done in the Assembly, unless upon complaint made by order of, or under authority from, Our Government, or with the previous sanction in writing of Our Government.] (*a*)

Nature of sanction necessary.

The sanction referred to in this Section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

When sanction is given in respect of any offence referred to in this Section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this Section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

(*a*) Added by Regulation VII of 1088.

For the purposes of this Section, every Court shall be deemed to be subordinate to the Court to which appeals from the former Court ordinarily lie.

Prosecution for offences against the State.

174. [No Court shall take cognizance of any offence punishable under Chapter VI of the Penal Code (except Section 120), or punishable under Sections 164, 182, 293, or 508 of the same Code, unless upon complaint made by order of, or under authority from, Our Government]. (*a*)

[No prosecution for an offence punishable under Section 182 of the Penal Code shall be instituted after six months from the date of the offence].(*b*)

Prosecution of public servants.

175. When any public servant, not removable from his office without the sanction of Our Government, is accused as such public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of Our Government.

Power of Government as to prosecution.

Our Government may determine the person by whom, and the manner in which, the prosecution of such public servant is to be conducted and may specify the Court before which the trial is to be held.

Prosecution for breach of contract, defamation, and offences against marriage.

176. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Penal Code or under Sections 496 to 499 (both inclusive) of the same Code, or of any offence compoundable without the permission of the Court under Section 256, except upon a complaint made by some person aggrieved by such offence.

Prosecution for adultery or enticing a married woman.

177. No Court shall take cognizance of an offence under Section 500 or Section 501 of the Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

(*a*) Substituted by Regulation II of 1074.

(*b*) Added by Regulation III of 1074.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

Examination of complainant.

173. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Provided as follows:—

(*a*) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under Section 171.

(*b*) when the case has been transferred under Section 171, and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Procedure by Magistrate not competent to take cognizance of the case.

179. If the complaint has been made in writing, and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Postponement of issue of process.

180. If any Magistrate of the First or Second Class sees reason to distrust the truth of a complaint of an offence of which he is authorised to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the persons complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a Police officer, or by such other person, not being a Magistrate or Police officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police

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Station, except that he shall not have power to arrest without warrant.

Except as provided in this Section, no Magistrate shall refer a non-cognizable case to any Police officer.

Dismissal of complaint.

181. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under Section 180, there is in his judgment no sufficient ground for proceeding.

[In such case he shall briefly record his reasons for so doing.](a)

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

Issue of process.

182. If, in the opinion of a Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, and the case appears to be one in which according to the fourth column of the Second Schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Nothing in this Section shall be deemed to affect the provisions of Section 72.

[When by any law for the time being in force, any process fees or other fees are payable, no process shall be issued until the fees are paid, and if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.] (a)

Magistrate may dispense with personal attendance of accused.

183. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

(a) Added by Regulation II of 1071.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION.

Power to commit for trial.

184. Any Magistrate may commit any person for trial to the Court of Session for any offence triable by such Court.

Procedure in inquiries preparatory to commitment.

185. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or, in the opinion of the Magistrate, ought to be tried by such Court.

Taking of evidence produced.

186. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Process for production of further evidence.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

When accused person to be discharged.

187. When the evidence referred to in Section 186 has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

Nothing in this Section shall be deemed to prevent a Magistrate from discharging the accused at any previous

stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

When charge is to be framed.

188. When upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall be given to him free of cost.

List of witnesses for defence on trial.

189. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

The Magistrate may, in his discretion, allow the accused to give in any further list of witnesses at a subsequent time.

Power of Magistrate to examine such witnesses.

190. The Magistrate may, in his discretion, summon and examine any witness named in any list given unto him under Section 189.

Order of commitment.

191. When the accused on being required to give in a list under Section 189 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under Section 190, the Magistrate may make an order committing the accused for trial by the Court of Session, and shall also record briefly the reasons for such commitment.

[If the Magistrate, after hearing the witnesses for the defence, is satisfied that there are not sufficient grounds for committing the accused, he may cancel the charge and discharge the accused.] (*a*)

Quashing commitments under Section 191.

192. A commitment once made under Section 191 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

(*a*) Added by Regulation 11 of 1074.

Summons to witnesses for defence when accused is committed.

193. When the accused has given in any list of witnesses under Section 189 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself to appear before the Court to which the accused has been committed:

Refusal to summon unnecessary witness unless deposit made.

Provided that, if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may, before summoning him, require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Bonds of complainants and witnesses.

194. Complainants and witnesses for the prosecution, whose attendance before the Court of Session is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

If any complainant or witness refuses to attend before the Court of Session, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session is required, when the Magistrate shall send him in custody to the Court of Session.

Commitment when to be notified.

195. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by our Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, &c., to be forwarded to Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session.

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Power to summon supplementary witnesses.

196. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial and bind them over in manner hereinbefore provided to appear and give evidence.

Such examination shall, if possible, be taken in the presence of the accused and a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

Custody of accused pending trial.

197. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

CHAPTER XIX.—OF THE CHARGE.

Form of charges.

Charge to state offence

198. Every charge under this Code shall state the offence with which the accused is charged.

Specific name of offence sufficient description.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

How stated where offence has no specific name.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

The law and Section of the law against which the offence is said to have ben committed shall be mentioned in the charge.

What implied in charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

Language of charge.

The charge shall be written in the language of the accused, and when such language is not the language of the Court or English, in the language of the Court.

Previous conviction when to be set out.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous

conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Illustrations.

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in Sections 298 and 299 of the Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to Section 299, or that, if it did fall within exception 1, one or other of the three Provisos to that exception applied to it.

(b) A is charged, under Section 326 of the Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by Section 335 of the Penal Code, and that the general exceptions did not apply to it.

(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Penal Code; but the Sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d) A is charged, under Section 177 of the Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place and person

199. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

[When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of Section 211 :

Provided that the time included between the first and last of such dates shall not exceed one year.] (*a*)

When manner of committing offence must be stated.

200. When the nature of the case is such that the particulars mentioned in Sections 198 and 199 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

(*a*) Added by Regulation II of 1074.

Words in charge taken in sense of law under which offence is punishable.

201. In every charge, words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors.

202. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Illustrations.

(a) A is charged, under Section 239 of the Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such fact that the omission to set out the manner of the cheating was, in this case, a material error.

(d) A is charged with the murder of Khoda Baksh on the 21st January 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January 1882. A was never charged with any murder but one and had heard the inquiry before the Magistrate which referred exclusively to the case of Haidar Baksh. The Court

may infer from those facts that A was not misled, and that the error in the charge was immaterial.

(e) A was charged with murdering Haidar Baksh on the 20th January 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Procedure on commitment without charge or with imperfect charge

203. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the Rules contained in this Code as to the form of charges.

Court may alter charge.

204. Any Court may alter [or add to] (*a*) any charge at any time before judgment is pronounced.

Every such alteration shall be read and explained to the accused.

When trial may proceed immediately after alteration.

205. If the charge framed or alteration made under Section 203 or Section 204 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may directed, or trial suspended.

206. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

207. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already

(*a*) Inserted by Regulation II of 1074.

obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

208. Whenever a charge is altered [or added to] (*a*) by the Court after commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration [or addition] (*a*), any witness who may have been examined [and also to call any further witness whom the Court may think to be material].(*a*)

Effect of material error.

209. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVI, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in such whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence, under Section 190 of the Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of charges.

Separate charges for distinct offences.

210. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in Sections 211, 212, 213 and 216.

(*a*) Inserted by Regulation II of 1074.

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Illustration

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Three offences of same kind within a year may be charged together

211. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for any number of them not exceeding three.

Offences are of the same kind when they are punishable with the same amount of punishment under the same Section of the Penal Code, or of any special or local law.

I—Trial for more than one offence.

212. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

II—Offence falling within two definitions

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

III—Acts constituting one offence, but constituting when combined a different offence.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts when combined or for any offence constituted by any one, or more, of such acts.

Nothing contained in this Section shall affect the Penal Code, Section 60.

Illustrations

to paragraph I.—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and tried for, offences under Sections 222 and 333 of the Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered,

adultery with B's wife. A may be separately charged with, and convicted of, offences under Sections 456 and 500 of the Penal Code.

(e) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under Sections 501 and 500 of the Penal Code.

(d) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under Section 468 of the Penal Code. A may be separately charged with, and convicted of, the possession of each seal under Section 475 of the Penal Code.

(e) With intent to cause injury to B, A institutes a Criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of two offences under Section 206 of the Penal Code.

(f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under Sections 206 and 188 of the Penal Code.

(g) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under Sections 139, 325 and 144 of the Penal Code.

(h) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under Section 509 of the Penal Code.

The separate charges referred to in illustrations *(a)* to *(h)* respectively may be tried at the same time.

to paragraph II.—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under Sections 352 and 323 of the Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know that they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under Sections 412 and 415 of the Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under Sections 317 and 303 of the Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under Section 159 of the Penal Code. A may be separately charged with, and convicted of, offences under Sections 473 (read with 468) and 190 of the same Code.

to paragraph III.—

(*m*) A commits robbery on B, and in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under Sections 323, 392 and 394 of the Penal Code.

Where it is doubtful what offence has been committed.

213. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be

charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

When a person is charged with one offence, he may be convicted of another.

214. If, in the case mentioned in Section 213, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that Section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

[When the accused is charged with an offence, he may be convicted of having attempted to commit that offence although the attempt is not separately charged.] *(a)*

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be) though he was not charged with such offence.

When offence proved included in offence charged.

215. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this Section shall be deemed to authorise a conviction of any offence referred to in [Chapter XIX, XX, or XXI of the Penal Code] *(b)* when no complaint has been made as required by [Section 176 or Section 177.] *(b)*

Illustrations.

(a) A is charged, under Section 408 of the Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal

(a) Added by Regulation II of 1074.

(b) Substituted by Regulation II of 1074.

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breach of trust under Section 407 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under Section 407.

(*b*) A is charged under Section 325 of the Penal Code with causing grevious hurt. He proves that he acted on grave and sudden provocation. He may be convicted under Section 335 of that Code.

What persons may be charged jointly.

216. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of or attempt to commit such offence, they may be charged and tried together or separately, as the Court thinks fit, and the provisions contained in the former part of this Chapter shall apply to all such charges.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge charging both with the one theft, and B alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges.

217. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the enquiry into, or trial of, the charge or charges so withdrawn.

CHAPTER XX.—OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Procedure in summons-cases.

218. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Substance of accusation to be stated.

219. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Conviction on admission of truth of accusation.

220. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Procedure when no such admission is made.

221. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal.

222. If the Magistrate, upon taking the evidence referred to in Section 221 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Sentence.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Finding not limited by complaint or summons.

223. A Magistrate may under Section 220 or Section 222, convict the accused of any offence triable under this

Chapter which, from the facts admitted or proved, he appears to have committed, whatever may be the nature of the complaint or summons.

Non-appearance of complainant.

224. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day:

[Provided that, where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance, and proceed with the case].(a)

Withdrawal of complaint.

225. If a complainant at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same and shall thereupon acquit the accused.

Power to stop proceedings when no complainant.

226. In any case instituted otherwise than upon complaint, a Magistrate of the First Class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Frivolous or vexatious accusations in summons and warrant cases.

227. [(1) If, in any case instituted by complaint as defined in this Code, or upon information given to a Police officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than

(a) Added by Regulation II of 1974.

one, such compensation not exceeding fifty rupees, as the Magistrate thinks fit:

Provided that, before making any such direction, the Magistrate shall—

(*a*) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(*b*) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under sub-section (1) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the Second or Third Class to pay compensation to an accused person, may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent Civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this Section.

(6) If, on appeal or revision, the Appellate or High Court sets aside the award of compensation, the amount of compensation (if any) paid under this Section to the accused shall be recovered from him as if it were a fine and repaid to the complainant.] (*a*)

(*a*) Added by Regulation VII of 1088.

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CHAPTER XXI—OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

Procedure in warrant-cases.

228. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Evidence for prosecution.

229. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Discharge of accused.

230. If, upon taking all the evidence referred to in Section 229, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out, which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.

Nothing in this Section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case, if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Charge to be framed when offence appears proved.

231. If, when such evidence and examination have been taken and made, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Plea.

232. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

If the accused pleads guilty, the Magistrate shall record the plea and may in his discretion convict him thereon.

Defence.

233. [If the accused refuses to plead, or does not plead, or claims to be tried, he shall be required to state whether he wishes to cross-examine any, and if so, which of the witnesses for the prosecution whose evidence has been taken. If he says he does so wish, the witnesses named by him shall be recalled, and, after cross-examination and re-examination (if any) they shall be discharged. The evidence of any remaining witnesses for the prosecution shall next be taken, and, after cross-examination and re-examination (if any), they also shall be discharged. The accused shall then be called upon to enter upon his defence and produce his evidence.

If the accused puts in any written statement, the Magistrate shall file it with the record](a)

Process for compelling production of evidence at instance of accused.

234. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by him in writing:

[Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this Section, unless the Magistrate is satisfied that it is necessary for the purposes of justice.](b)

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

235. If, in any case under this Chapter in which a charge has been framed, the Magistrate finds the accused not guilty, he shall record an order of acquittal.

(a) Substituted by Regulation II of 1074.

(b) Added by Regulation II of 1074.

If, in any such case, the Magistrate finds the accused guilty, he shall pass sentence upon him according to law. Conviction.

236. When the proceedings have been instituted upon complaint, and, upon any day fixed for the hearing of the case, the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused. Absence of complainant.

[CHAPTER XXIA—OF SUMMARY TRIALS.

236 A. Notwithstanding anything contained in this Code, — Power to try summarily.

(1) the District Magistrate, or

(2) any Magistrate of the First or Second Class, specially empowered in this behalf by Our Government,

may, if he think fit, try in a summary way all or any of the following offences :—

(*a*) offences under Section 23 of the Police Regulation (IV of 1056) ;

(*b*) offences under the Towns Conservancy and Improvement Regulation (III of 1076) ;

(*c*) abetment of any of the foregoing offences ;

(*d*) an attempt to commit any of the foregoing offences, when such attempt is an offence.

236 B. When, in the course of a summary trial, it appears to the Magistrate that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate shall recall any witnesses who may have been examined, and proceed to rehear the case in the manner provided by this Code for ordinary trials. Power to change nature of trial.

236 C. In trials under this Chapter, the procedure prescribed for summons-cases shall be followed except as hereinafter mentioned. Procedure for summons-cases applicable.

The Magistrate need not record the evidence of the witnesses in full, but shall record the substance thereof, and shall also enter in such Form as Our Government may direct, the following particulars :—

(*a*) the serial number;
(*b*) the date of the commission of the offence;
(*c*) the date of the report or complaint;
(*d*) the name of the complainant (if any);
(*e*) the full name and residence of the accused;
(*f*) the offence complained of and the offence (if any) proved;
(*g*) the plea of the accused and his examination (if any);
(*h*) the finding, and in case of conviction, a brief statement of the reasons therefor;
(*i*) the sentence or other final order; and
(*j*) the date on which the proceedings terminated.

Limit of imprisonment.

236 D. No sentence of imprisonment for a term exceeding one month shall be passed in the case of any conviction under this Chapter.

Language of record and judgment.

236 E. Record made under Section 236 C shall be written by the Magistrate either in English or in the language of the Court.](*a*)

CHAPTER XXII—OF TRIALS BEFORE COURTS OF SESSION.

A—Preliminary.

Trial before Court of Session to be conducted by Public Prosecutor.

237. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B—Commencement of proceedings.

Commencement of trial.

238. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

239. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to try the case.

(*a*) Added by Regulation IV of 1082.

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C—Trial to close of cases for prosecution and defence.

Opening case for prosecution.

240. The prosecutor shall open his case by reading the charge, and stating shortly by what evidence he expects to prove the guilt of the accused.

Examination of witnesses.

The prosecutor shall then examine his witnesses.

Examination of accused before Magistrate to be evidence.

241. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Evidence given at preliminary inquiry admissible.

242. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

243. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then record a finding of not guilty.

If the accused or any one of several accused says that he means to adduce evidence, and the Court considers that there is no evidence that the accused committed the offence, the Court may then record a finding of not guilty.

If the accused, or any one of several accused, says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Defence.

244. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his

witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

245. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in Sections 139 and 208, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply.

246. If the accused, or any of the accused, has stated, when asked under Section 243, that he means to adduce evidence, the prosecutor shall be entitled to reply.

D—Procedure in case of previous conviction.

Procedure in case of previous conviction.

247. In every trial where the accused is charged with an offence committed after a previous conviction for any offence, the procedure shall be as follows:

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted, the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the Court shall then inquire concerning such previous conviction.

CHAPTER XXIII—GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice.

248. In the case of any offence triable exclusively by the Court of Session, the District Magistrate, or, with the sanction

in writing of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Every person accepting a tender under this Section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session.

Every Magistrate who tenders a pardon under this Section shall record his reasons for so doing, and when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Power to direct tender of pardon

249. At any time after commitment, but before judgment is passed, the Court of Session to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or District Magistrate to tender a pardon on the same condition to such person.

Commitment of person to whom pardon has been tendered

250. Where a pardon has been tendered under Section 248 or Section 249, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this Section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

Right of accused to be defended.

251. Every person accused before any Criminal Court may of right be defended by a pleader.

Procedure where accused does not understand proceedings.

252 If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

253 For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

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No oath shall be administered to the accused.

No influence to be used to induce disclosures.

254. Except as provided in Sections 248 and 249, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

255. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand.

Provided that no Magistrate shall remand an accused person to custody under this Section for a term exceeding fifteen days at a time.

Every order made under this Section by a Court shall be in writing signed by the presiding Judge or Magistrate. If the order has been made by a Magistrate other than a Magistrate of the District, a copy of such order shall be forwarded to the District Magistrate. It shall be competent to such Magistrate of the District to cancel or modify such order.

Reasonable cause for remand.

Explanation.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding offences.

256. The offences punishable under the Sections of the Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—

Offence.	Sections of the Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	297	The person whose religious feelings are intended to be wounded.
Causing hurt	323,334	The person to whom the hurt is caused
Wrongfully restraining or confining any person	341,342	The person restrained or confined.
Assault or use of criminal force	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labor	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person	427, 428	The person to whom the loss or damage is caused.
Criminal trespass	448	The person in possession of the property trespassed upon.
House trespass	450	
Criminal breach of contract of service	493, 494, 495	The person with whom the offender has contracted.
Adultery	500	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman	501	
Defamation	503	The person defamed.
Printing or engraving matter knowing it to be defamatory	504	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	505	
Insult intended to provoke a breach of the peace	507	The person insulted.
Criminal intimidation except when the offence is punishable with imprisonment for seven years	509	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under Section 324, Section 335, Section 337, or Section 338 of the Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

[The offence punishable under Section 405 of the Penal Code may, with the permission of the Court, be compounded by the person by whom the prosecution has been started.](a)

(a) Inserted by Regulation II of 1074.

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When any offence is compoundable under this Section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this Section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

[When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.] (*a*)

The composition of an offence under this Section shall have the effect of an acquittal of the accused.

No offence shall be compounded [except as provided by this Section.] (*b*)

If, in cases of offences compoundable with the permission of the Court, the Court before which the case is pending refuses to grant permission to compound the offence, it shall record its reasons for such refusal.

The High Court may, if it thinks fit, grant the permission applied for.

Procedure of Magistrate in cases which he can not dispose of

257. If, in the course of an inquiry or a trial before a Magistrate in any District, the evidence appears to him to warrant a presumption that the case is one which should be tried by some other Magistrate in such District, he shall stay proceedings and submit the case, with a brief report explaining its nature, to the District Magistrate to whom he is subordinate.

The District Magistrate may either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction.

(*a*) Inserted by Regulation II of 1074.

(*b*) Added by Regulation II of 1074.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

258. If, in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

259. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him a habitual offender, be committed to the Court of Session.

Procedure when Magistrate cannot pass sentence sufficiently severe.

260. Whenever a Magistrate of the Second or Third Class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under Section 89, he may record the opinion and submit his proceedings and forward the accused, to the District Magistrate to whom he is subordinate.

The District Magistrate may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence; and shall pass such judgment, sentence or order in the case as he thinks fit and as is according to law: Provided that he shall not inflict a punishment more severe than he is empowered to inflict under Sections 18 and 19.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

261. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded

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by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Provided as follows:—

(*a*) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

(*b*) The High Court, or, in cases tried by Magistrates of the Second or Third Class, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this Section applies to cases in which proceedings have been stayed under Section 257.

Detention of offenders attending Court.

262. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

Courts to be open.

263. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order, at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXIV—OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Evidence to be taken in presence of accused

264. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI and XXII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Witnesses to be sworn.

265. Every witness shall, before his examination commences, be sworn in such manner as Our Government may prescribe from time to time.

Record in trials of and inquiries into offences

266. In all trials and inquiries, the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge and also by the witness.

Evidence given in English.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Mode of recording evidence under Section 266

267. Evidence taken under Section 266 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may, in his discretion, take down, or cause to be taken down, any particular question and answer.

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Procedure in regard to such evidence when completed.

268. As the evidence of each witness taken under Section 266 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

269. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than Malayalam and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Remarks respecting demeanour of witness.

270. When a Sessions Judge or Magistrate has recorded the evidence of a witness, he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

271. Whenever the accused is examined by any Magistrate or by any Court, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in Malayalam, and

such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in Malayalam or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

CHAPTER XXV—OF THE JUDGMENT.

Mode of delivering judgment

272. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced [or the substance of such judgment shall be explained](a) in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody, shall be required to attend to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Language of judgment.

Contents of judgment.

273. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination,

(a) Inserted by Regulation II of 1074.

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the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

It shall specify the offence (if any) of which, and the Section of the Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative.

When the conviction is under the Penal Code, and it is doubtful under which of two Sections, or under which of two parts of the same Section, of that Code, the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in its judgment, state the reason why sentence of death was not passed.

Sentence of death.

274. When anyp erson is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Court not to alter judgment.

275. No Court, when it has signed its judgment, shall alter or review the same, except as provided in Section 295 or to correct a clerical error.

Judgment to be explained and copy given to accused.

276. The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in Malayalam, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Case of person sentenced to death.

When the accused is sentenced to death or imprisonment for life by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Court of Session to send copy of

277. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to

finding and sentence to District Magistrate.

the District Magistrate within the local limits of whose jurisdiction the offence was committed.

CHAPTER XXVI—OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION.

Sentence of death and imprisonment for life to be submitted by Court of Session.

278. When the Court of Session passes a sentence of death or of imprisonment for life, the proceedings shall be submitted to the High Court, and no such sentence shall be executed unless it is confirmed by the High Court and approved by Us.

Power to direct further inquiry to be made or additional evidence to be taken.

279. If, when such proceedings are submitted, the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Such inquiry shall be made and such evidence shall be taken in the presence of the convicted person

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

280. In any case submitted under Section 278, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or,

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or,

(*c*) may acquit the accused person:

Provided that no order of confirmation shall be made under this Section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Procedure in cases submitted to High Court for confirmation

281. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death or imprisonment for life, the proper officer of the High Court shall, without delay, after the order of confirmation has been approved by Us, or, if the High Court has made any other order, after such order has been made, send a copy of it under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases submitted by Magistrate not empowered to act under Section 433A

[281A. Where proceedings are submitted to a District Magistrate as provided by Section 433A, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.](a)

CHAPTER XXVII—OF EXECUTION.

Execution of order passed under Section 280.

282. When a sentence of death or imprisonment for life passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Execution of sentences of imprisonment in other cases

283. Where the accused is sentenced to imprisonment in cases other than those provided for by Section 282, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution

284. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

285. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

286. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a

(a) Added by Regulation IV of 1082.

warrant for the levy of the amount by distress and sale of any movable property belonging to the offender, although the sentence directs that in default of payment of the fine the offender shall be imprisoned.

Effect of such warrant.

287. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorise the distress and sale of any such property without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

288. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under Section 286, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return of such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized, the Court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

289. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

Execution of sentence of whipping only.

290. When the accused is sentenced to whipping only, the Court passing the sentence shall require the convicted person to state whether he intends to appeal against the sentence and shall record his answer in the proceedings. If the convicted person states that he intends to appeal, the Court shall postpone the execution of the sentence and require him to put in the petition of appeal within 48 hours from the time when the sentence was pronounced. If the appeal be presented within such time, the Court shall forward to the Appellate Court the appeal petition with the records of the case as early as practicable and stay execution of the sentence pending the disposal of the appeal. Between the date of the sentence and the receipt of the judgment of the Appellate Court, the convicted person may, in bailable cases, be admitted to bail, and in other cases, be committed to custody.

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Execution of sentence of whipping in addition to imprisonment.

291. When the accused is sentenced to whipping in addition to imprisonment, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the Appellate Court; but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

The whipping shall be inflicted in the presence of the officer in charge of the jail, unless the Judge or Magistrate orders it to be inflicted in his own presence.

Mode of inflicting punishment.

292. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light rattan not less than half an inch in diameter, in such mode and on such part of the person, as Our Government directs; and in the case of a person under sixteen years of age, it shall be inflicted [in such mode, and on such part of the person and with such instrument, as Our Government may direct.] (*a*)

Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments.

293. No sentence of whipping shall be executed by instalments.

Whipping not to be inflicted if offender not in fit state of health.

294. The punishment of whipping shall not be inflicted unless a Medical officer, if present, certifies, or, if there is not a Medical officer present, unless it appears to the Magistrate or officer present that the offender is in a fit state of health to undergo such punishment.

Stay of execution.

If, during the execution of a sentence of whipping, a Medical officer certifies, or it appears to the Magistrate or officer present that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

(*a*) Substituted by Regulation II of 1074.

Procedure if punishment cannot be inflicted under Section 294.

295. In any case in which, under Section 294, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding 12 months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Nothing in this Section shall be deemed to authorise any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Execution of sentences on escaped convicts.

296. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, shall take effect according to the following Rules, that is to say:—

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.—For the purposes of this Section—

(*a*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*b*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

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Sentence on offender already sentenced for another offence.

297. When a person already undergoing a sentence of imprisonment is sentenced to imprisonment, such imprisonment shall commence at the expiration of the imprisonment to which he has been previously sentenced.

Appellate Court to determine the order in which sentences should be suffered.

298. If one or more of such sentences is or are set aside on appeal or revision, and there is or are still one or more sentences in force, it shall be lawful for the Appellate Court or the Court of Revision to determine the order in which the remaining sentences should be suffered and to declare that the imprisonment already suffered (if any) under the sentence or sentences set aside be taken as suffered in virtue of the sentence or sentences still in force.

Saving as to Sections 296 and 297.

299. Nothing in Section 296 or Section 297 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

When imprisonment in default of payment of fine should commence.

300. When an award of imprisonment in default of payment of fine is annexed to a substantive sentence of imprisonment for an offence punishable with imprisonment, and the person undergoing the sentence is, after its execution, to undergo a further substantive sentence or sentences of imprisonment, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further substantive sentence.

Return of warrant on execution of sentence.

301. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXVIII—OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

Power to commute punishment.

302. Any of the following sentences may, with Our sanction and without the consent of the person sentenced, be commuted for any other mentioned after it:—

Death, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

Cancelment of the suspension or remission of sentences.

303. Whenever, under Our command, the execution of a sentence passed upon a person has been suspended or the whole or any part of such sentence has been remitted, upon conditions accepted by the sentenced person, and any of the conditions prescribed by Us has not been fulfilled, the suspension or remission granted may be cancelled by Us, whereupon such person may be arrested by a Police officer without warrant, and remanded to undergo the unexpired portion of the sentence. The condition on which a sentence is suspended or remitted under this Section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted or one independent of his will.

Nothing herein contained shall be deemed to interfere with Our right to grant pardons, reprieves, respites or remissions of punishments unconditionally.

CHAPTER XXIX—OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for same offence.

304. A person, who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under Section 213 or for which he might have been convicted under Section 214.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under Section 212, paragraph 1.

A person convicted of any offence constituted by an act causing consequences which, together with such act constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

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A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Explanation.—The dismissal of a complaint, the stopping of proceedings under Section 226 or the discharge of the accused is not an acquittal for the purposes of this Section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grevious hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide

(*d*) A is charged before the Court of Session and convicted of the culpahle homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the First Class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grevious hurt to B on the same facts, unless the case comes within paragraph 3 of this Section.

(*f*) A is charged by a Magistrate of the Second Class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the First Class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXX.—OF APPEALS.

Unless otherwise provided, no appeal to lie.

305. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

306. Any person, whose application under Section 71 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, [or against whom an order for delivery of immovable property is made under Section 400](*a*) may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order requiring security for good behaviour.

307. Any person required by a Magistrate, other than the District Magistrate, to give security for good behaviour under Section 101, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the Second or Third Class.

308. Any person convicted on a trial held by any Magistrate of the Second or Third Class may appeal to the District Magistrate.

Transfer of appeals to First Class Magistrate.

[The District Magistrate may direct that any appeal under this Section or any class of such appeals shall be heard by any Magistrate of the First Class subordinate to him and empowered by Our Government to hear such appeals and thereupon such appeal or class of appeals (may be presented to such subordinate Magistrate or, if already presented to the District Magistrate),(*b*) may be transferred to such subordinate Magistrate. The District Magistrate

(*a*) Inserted by Regulation II of 1074.

(*b*) Added by Regulation VII of 1085.

may withdraw from such Magistrate any appeal or class of appeals so transferred.](a)

Appeals from sentence of Magistrate of the First Class.

309. [Any person convicted or sentenced on a trial held by a District Magistrate or other Magistrate of the First Class, or by a District Magistrate under Section 260 or Section 281 A, may appeal to the Court of Session.](b)

Appeal from sentence of Court of Session

310. Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge may appeal to the High Court.

No appeal in certain cases when accused pleads guilty

311. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

312. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate passes a sentence of fine not exceeding fifty rupees only.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine.

Appeal on behalf of Government in case of acquittal

313. Our [Dewan](c) may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than the High Court.

[The Public Prosecutor may withdraw any such appeal with the permission of Our Dewan.](d)

Appeal on what matters admissible.

314. An appeal may lie on a matter of fact as well as a matter of law.

Petition of appeal.

315. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against.

(a) Added by Regulation IV of 1082.
(b) Recast Regulation IV of 1082.
(c) Substituted by Regulation II of 1074.
(d) Added by Regulation II of 1074.

Procedure when appellant in jail

316. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail who shall thereupon forward such petition and copies to the proper Appellate Court.

Notice of appeal

317. The Appellate Court, on receiving the petition and copy under Section 315 or 316, shall cause notice to be given to the appellant or his pleader and to such officer, if any, as Our Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

and, in cases of appeals under [the first para of](a) Section 313, the Appellate Court shall cause a like notice to be given to the accused.

[The Appellate Court may, in summons or compoundable cases, give like notice to the complainant.](a)

Powers of Appellate Court in disposing of appeal

318. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under Section 313, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may –

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made or that the accused be re-tried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be re-tried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction and with or without altering the

(a) Inserted by Regulation II of 1074.

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finding, alter the nature of the sentence, but not so as to enhance the same ;

(*c*) in an appeal from any other order, alter or reverse such order ;

[(*d*) make any amendment or any consequential or incidental order that may be just or proper.

In summons or compoundable cases, the Appellate Court may acquit and discharge the accused on the application of the complainant unless, for reasons to be recorded, it considers that such application should not be granted.] (*a*)

Judgments of subordinate Appellate Courts

319. The Rules contained in Chapter XXV as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court [other than the High Court whose judgment need not necessarily be in the handwriting of the Judges :] *(b)*

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

Order by High Court on appeal to be certified to lower Court.

320. Whenever a case is decided on appeal by the High Court under this Chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court ; and, if necessary, the record shall be amended in accordance therewith.

Suspension of sentence pending appeal.

Release of appellant on bail.

321. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

(*a*) Added by Regulation II of 1074

(*b*) Added by Regulation VII of 1088

The power conferred by this Section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Explanation.—The suspension of only the rigorous portion of imprisonment is not a suspension of sentence within the meaning of this Section.

Arrest of accused in appeal from acquittal.

322. When an appeal is presented under Section 313, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court, before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to, bail.

Appellate Court may take further evidence or direct it to be taken.

323. In dealing with any appeal under this Chapter the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to he taken by a Magistrate, or, when the Appellate Court is the High Court, by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken.

The taking of evidence under this Section shall, for the purposes of Chapter XXIV, be deemed to be an inquiry.

Finality of orders on appeal.

324. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in Section 313 and Chapter XXXI.

Abatement of appeals.

325. Every appeal under Section 313 shall finally abate on the death of the accused, and every other appeal under this Chapter, [except an appeal from a sentence of fine](a), shall finally abate on the death of the appellant.

(a) Inserted by Regulation II of 1074.

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CHAPTER XXXI—OF REFERENCE AND REVISION.

Power to call for records of inferior Courts.

326. The High Court or any Court of Session or District Magistrate, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

Orders made under Sections 126 and 127 and proceedings under Section 158 are not proceedings within the meaning of this Section.

Power to order commitment.

327. When, on examining the record of any case called for under Section 326 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Provided as follows:—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made;

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

328. On examining any record under Section 326 or otherwise, the High Court may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make further inquiry into any complaint which has been dismissed under Section 181 or into the case of any accused person who has been discharged.

The District Magistrate may himself make further inquiry into any complaint which has been dismissed under Section 181.

Report to High Court.

329. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under Section 326 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement, that he be released on bail or on his own bond.

High Court's powers of revision.

330. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by Sections 173, 318, 321, 322 and 323 or on a Court by Section 249, and may enhance the sentence.

No order under this Section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this Section has been passed by a Magistrate, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Magistrate of the First Class.

Nothing in this Section shall be deemed to authorise the High Court to convert a finding of acquittal into one of conviction.

Optional with Court to hear parties.

331. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision: Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this Section shall be deemed to affect Section 330, paragraph 2.

High Court's order to be certified to lower Court or Magistrate.

332. When a case is revised under this Chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and if necessary, the record shall be amended in accordance therewith.

PART VIII.
SPECIAL PROCEEDINGS.

CHAPTER XXXII—CRIMINAL PROCEEDINGS AGAINST EUROPEAN BRITISH SUBJECTS.

Magistrates who may inquire into and try charges against European British subjects.

333. No Magistrate, unless he is a Special Magistrate appointed under Royal Proclamation dated 16th Edavom 1050/ 28th May 1875 shall inquire into or try any charge against an European British subject except in cases of contempt of Court falling under Section 359 of this Code.

Sessions Judge not to have jurisdiction over European British subject except in cases of contempt.

334. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British Subject except in cases of contempt of Court falling under Section 359 of this Code.

Cognizance of offence committed by European British subject.

335. Nothing in Section 333 or Section 334 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Special Magistrate having jurisdiction to inquire into or try the case.

Sentences which may be passed by Special Magistrates.

336. No such Special Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand British rupees, or both.

Special Appellate Judge to hear appeals.

337. The Special Appellate Judge appointed under Our Proclamations dated 22nd Thulam 1051/6th November 1875, [25th Kanni 1084/10th October 1908 and 9th Chingom 1088/24th August 1912,] *(a)* shall hear and dispose of appeals from the decisions of Our Special Magistrates and shall revise their proceedings.

[The Special Appellate Judge may also transfer any case, inquiry, trial or other proceeding, from any Special Magistrate subordinate to him to any other such Magistrate, after recording in writing his reasons for making the same.] *(a)*

When commitment to be made to a higher tribunal.

338. When an European British subject is accused of any offence before such Special Magistrate, and such offence cannot, in the opinion of such Magistrate, be tried by him or be adequately punished by him, he shall commit him to such Court as His Excellency the Viceroy and Governor-General of India has appointed or may appoint and follow such law and procedure as are in force in British India in respect of the commitment of European British subjects.

Procedure on claim of person to be dealt with as European British subject.

339. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial: and such Magistrate shall inquire into the truth of such statement and allow the person making it a reasonable time, within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

When any such person is committed by the Magistrate for trial before the Court of Session and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further inquiry, if any,

(a) Added by Regulation VII of 1088.

as it thinks fit, decide whether he is or is not an European British subject and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

340. (1) If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is brought, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

[(2) Unless the Magistrate has reason to believe that any person brought before him is not a European British subject, the Magistrate shall ask such person whether he is such a subject or not.] (*a*)

Right of European British subject unlawfully detained to apply for order to be brought before Special Appellate Judge.

341. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the Special Appellate Judge for an order directing the person detaining him to bring him before such Special Appellate Judge to abide such further order as he may pass.

Procedure on such application.

342. The Special Appellate Judge, if he thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or he may issue the order in the first instance, and, when the person applying for it is brought before him, he may make such further order in the case as he thinks fit, after such inquiry (if any) as he thinks necessary.

(*a*) Added by Regulation II of 1090.

Conduct of Criminal proceedings against European British subjects, before Special Magistrate and Special Appellate Judge.

343. Criminal proceedings against European British subjects, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

Special Appellate Judge's power of revision.

344. The Special Appellate Judge, appointed under Royal Proclamation dated 22nd Thulam 1051, corresponding with 6th November 1875, may exercise all or any of the powers conferred upon the High Court by Chapter XXXI in respect of cases tried or triable exclusively by Special Magistrates:

Provided that he shall not pass any higher sentence than a Special Magistrate is empowered to do under Section 336.

CHAPTER XXXIII—LUNATICS.

Procedure in case of accused being lunatic.

345. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the nearest Medical officer of the Government, and thereupon shall examine such officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Procedure in case of person committed before Court of Session being lunatic.

346. If any person committed for trial before a Court of Session appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

347. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Custody of lunatic.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to Our Government, and Our Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Resumption of inquiry or trial

348. Whenever an inquiry or a trial is postponed under Section 345, or Section 346, the Magistrate or Court, as the case may be, may, at any time, resume the inquiry or trial and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under Section 347, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

349. If, when the accused appears or is again brought before the Magistrate or Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of Section 345, or Section 346, as the case may be.

When accused appears to have been insane.

350. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to belive that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case and, if the accused ought to be committed to the Court of Session, send him for trial before the Court of Session.

Judgment of acquittal on ground of lunacy.

351. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

352. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of Our Government.

Our Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Lunatic prisoners to be visited by Durbar Physician.

353. When any person is confined under the provisions of Section 347 or Section 352, the Durbar Physician, or the Official Visitors of jails, if such person is confined in a jail, or the Visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Durbar Physician or by two of such Visitors as aforesaid; and such Durbar Physician or Visitors shall make a special report to Our Government as to the state of mind of such person.

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Procedure where lunatic prisoner is reported capable of making his defence.

354. If such person is confined under the provisions of Section 347, and such Durbar Physician or Visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of Section 349; and the certificate of such Durbar Physician or Visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under Section 347 or 352 is declared fit to be discharged.

355. If such person is confined under the provisions of Section 347 or Section 352, and such Durbar Physician or Visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, Our Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been alredy sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a Commission, consisting of a Judicial and two Medical officers.

Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to Our Government, which may order his discharge or detention as it thinks fit.

Delivery of lunatic to care of relative.

356. Whenever any relative or friend of any person confined under the provisions of Section 347 or Section 352 desires that he shall be delivered over to his care and custody, Our Government, upon the application of such relative or friend, and on his giving security to the satisfaction of Our Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as Our Government directs.

The provisions of Sections 353 and 355 shall *mutatis*

mutandis apply to persons delivered under the provisions of this Section; and the certificate of the inspecting officer appointed under this Section shall be receivable as evidence.

CHAPTER XXXIV—PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in Section 173.

357. When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in Section 173 and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate having jurisdiction over the case and may send the accused in custody, or take sufficient security for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorised under Section 171 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Power of Court of Session as to such offences committed before itself.

358. A Court of Session may charge a person for any offence referred to in Section 173 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendence of any wtinesses for the purposes of the trial.

Procedure in certain cases of contempt.

359. When any such offence as is described in Section 168, Section 171, Section 172, Section 173, or Section 226 of the Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court [other than the High Court] (*a*) may cause the offender whether he is an European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence and

(*a*) Inserted by Regulation II of 1074

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sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

[When any such offence as is described in Sections 168, 171, 172, 173, 183, 226 or 502 of the Penal Code is committed in the view or presence of the High Court, a Division Bench of the High Court may cause the offender, whether he is a European British subject or not, to be detained in custody, and may take cognizance of the offence and sentence the offender to fine not exceeding one thousand rupees, and in default of payment, to simple imprisonment for a term which may extend to three months, unless such fine be sooner paid.

When any such offence, as is described in Section 183 or Section 502 of the Penal Code, is committed against the High Court or any Judge thereof, a Division Bench of the High Court may call upon the offender to show cause why he should not be punished for contempt of Court. If the offender fails to appear to show cause as required, the High Court may cause the offender to be arrested and brought before it. On his appearance or production before the High Court, a Division Bench shall try the offender in the manner prescribed in Chapter XX of this Code and may sentence him to pay a fine not exceeding one thousand rupees, and in default of payment, to simple imprisonment for a term not exceeding three months, unless such fine is sooner paid. If, in the case mentioned in this para, the offender desires that the case should be heard by a Full Bench, it shall be heard and decided by a Full Bench of three Judges of the High Court:

Provided that nothing in the last preceding para of this Section shall be taken to authorise the High Court to take cognizance of oral defamation committed out of Court, as a contempt of Court.](a)

Record in such cases.

360. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(a) Added by Regulation II of 1074.

If the offence is under Section 226 of the Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under Section 359

361. If the Court in any case considers that the case should not be disposed of under Section 359, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this Section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

Discharge of offender on submission or apology.

362. When any Court has under Section 359 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional [threat](*a*), insult, interruption, [or defamation](*a*), the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

363. If any witness before a Criminal Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge, commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 359 or Section 361.

(*a*) Inserted by Regulation II of 1074.

Appeals from convictions in contempt cases.

364. Any person sentenced by any Court other than the High Court, under Section 359 or Section 363, may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXX shall, so far as they are applicable, apply to appeals under this Section, and the Appellate Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

Certain Judges and Magistrates not to try offences referred to in Section 173 when committed before themselves.

365. Except as provided in Sections 358 359, and 363, no Judge of a Criminal Court or Magistrate shall try any person for any offence referred to in Section 173 when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in Section 357 or Section 361 shall prevent a Magistrate from committing any case to a Court of Session, or shall prevent a Magistrate, otherwise competent, from himself trying any offence or offences committed against his own authority when such offence or offences is or are punishable under Sections 165, 166 or 167 of the Penal Code.

CHAPTER XXXV—OF THE MAINTENANCE OF WIVES AND CHILDREN.

Order for maintenance of wives and children.

366. If any person, having sufficient means, neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, or Magistrate of the First Class, may upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order, [or if so ordered, from the date of the application for maintenance.](a)

(a) Added by Regulation II of 1074.

Enforcement of order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this Section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty, [or that there is just ground for so doing.](*a*)

No wife shall be entitled to receive an allowance from her husband under this Section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this Section is living in adultery, or that, without sufficient reason, she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this Chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases:

[Provided that if the Magistrate is satisfied that he is wilfully avoiding service or wilfully neglects to attend the Court, the Magistrate may proceed to hear and determine the case *ex parte*. Any order so made may be set aside for good cause shown, on application made within three months from the date thereof.

(*a*) Added by Regulation II of 1074.

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The accused may tender himself as a witness, and in such case shall be examined as such.

The Court dealing with applications under this Section shall have power to make such order as to costs as may be just.

The accused may be proceeded against in any District where he resides or is, or where he last resided with his wife, or as the case may be, the mother of the illegitimate child.

Explanation.—The issue of a woman following the Marumakkathayam law of inheritance and a man whether he be the follower of Marumakkathayam law or any other law of inheritance, is within the meaning of this Section.] (*a*)

Alteration in allowance

367. On proof of a change in the circumstances of any person receiving, under Section 366, a monthly allowance, or ordered, under the same Section, to pay a monthy allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Enforcement of order of maintenance

368. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVI—OF THE PUBLIC PROSECUTOR.

Power to appoint Public Prosecutors.

369. In any case committed for trial to the Court of Session, the District Magistrate may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been

(*a*) Added by Regulation II of 1074.

appointed, appoint any other person not being an officer of Police below the rank of Assistant Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge. Pleaders privately instructed to be under his direction.

370. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Effect of withdrawal from prosecution.

371. Any Public Prosecutor may, with the consent of the Court before the judgment is pronounced, withdraw from the prosecution of any person; and upon such withdrawal,

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when, under this Code, no charge is required, he shall be acquitted.

Permission to conduct prosecution.

372. Any Magistrate inquiring into or trying any case may permit any person, other than an officer of Police below the rank of [Head Constable] (*a*) to conduct the prosecution; but no person, other than the Head Sirkar Vakil or other officer specially empowered by Our Government in this behalf, shall be entitled to do so without such permission.

[Any such officer conducting the prosecution shall have the like power of withdrawing from the prosecution as is provided by Section 371 and the provisions of that Section shall apply to any withdrawal by such officer.] (*b*)

Any private person conducting the prosecution may do so personally or by a pleader.

[An officer of the Police shall not be permitted to conduct the prosecution, if he has taken any part in the

(*a*) Substituted by Regulation VII of 1085.

(*b*) Added by Regulation VII of 1088.

investigation into the offence with respect to which the accused is being prosecuted.] (*a*)

CHAPTER XXXVII—OF BAIL.

Bail to be taken in case of bailable offence.

373. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police Station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer, or at any stage of the proceedings before such Court, to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

374. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police Station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this Section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail

375. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or

(*a*) Added by Regulation VII of 1085

the Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police officer or Magistrate be reduced.

In any case committed to the Court of Session, the Court of Session may, whether the offence with which the accused is charged be bailable or not, order that the accused be admitted to bail or that the bail required by the committing Magistrate be reduced.

Bond of accused and sureties.

376. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police officer or Court, as the case may be, thinks sufficient, shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the Police officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear, when called upon at the Court of Session or other Court, to answer the charge.

Discharge from custody.

377. As soon as the bond has been executed, the person for whose appearance it has been executed, shall be released; and when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer, on receipt of the order, shall release him.

Nothing in this Section, Section 373 or Section 374, shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

378. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

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Discharge of sureties.

379. All or any sureties for the attendance and appearance of a person released on bail may, at any time, apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XXXVIII - OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

When attendance of witness may be dispensed with.

380. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a District Magistrate, a Court of Session or the High Court, that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the First Class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission and procedure thereunder.

When the witness resides out of Travancore, the commission may be issued to any Magistrate in the territory where the witness resides and forwarded for execution in such manner as the Government may direct.

The Magistrate to whom the commission is issued, or, if he is the District Magisrtate, he or such Magistrate of the First Class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness

before him, and shall take down his evidence in the same manner, and may, for this purpose, exercise the same powers, as in trials of warrant-cases under this Code.

Parties may examine witness.

381. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate to whom the commisssion is directed shall examine the witness upon such interrogatories.

Any such party may appear before such Magistrate by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of subordinate Magistrate to apply for issue of commission.

382. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

383. After any commission issued under Section 380, or Section 382, has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open, at all reasonable times, to the inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Adjournment of inquiry or trial.

384. In every case in which a commission is issued under Section 380 or Section 382, the inquiry, trial or other

proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XXXIX—SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

385. The deposition of a Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

386. Any document purporting to be a report under the hand of the Chemical Examiner, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Previous conviction or acquittal how proved.

387. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(*a*) by an extract, certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused.

388. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the

prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence, or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Examination of witnesses taken and attested by a Magistrate when admissible.

389. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence if the witness be dead or has become incapable of giving evidence or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Dying declarations.

390. The declaration of a deceased person, whether it be made in the presence of the accused person or not, may be given in evidence, if the deceased person, at the time of making such declaration, believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Information as to the commission of offences.

[390 A. No Magistrate or Police officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

Explanation —"Revenue officer" in this Section means any officer employed in or about the business of any branch of the public revenue] (*a*)

CHAPTER XL—PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

391. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Indian Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Procedure on forfeiture of bond.

392. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of the Magistrate of the District,

(*a*) Added by Regulation VII of 1088.

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or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorise the distress and sale of any movable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the Civil jail for a term which may extend to six months.

The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

[Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.] (*a*)

393. All orders passed under Section 392 by any Magistrate other than a District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him. Appeals from, and revision of, orders under Section 392.

394. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session. Power to direct levy of amount due on certain recognizances.

CHAPTER XLI—OF THE DISPOSAL OF PROPERTY.

395. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit Order for disposal of property regarding

(*a*) Added by Regulation II of 1074

which offence is committed

for the disposal of any document or other property produced before it regarding which any offence [is alleged or] (*a*) appears to have been committed, or which has been used for the commission of any offence.

When a Court of Session makes such order and cannot, through its own officers, conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this Section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

Explanation.—In this Section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District Magistrate.

396. In lieu of itself passing an order under Section 395, the Court may direct the property to be delivered to the District Magistrate, who shall, in such cases, deal with it as if it had been seized by the Police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

397. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has, on his arrest, been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money

(*a*) Inserted by Regulation II of 1074.

a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under Section 395, 396 or 397.

398. Any Court of appeal, confirmation, reference or revision may direct any order under Section 395, Section 396, or Section 397, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order [and make any further order that may be just]. (*a*)

Destruction of libellous and other matter.

399. On a conviction under the Penal Code, Section 290, Section 291, Section 504, or Section 505, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the Court or remain in the possession or power of the person convicted.

The Court may, in like manner, on a conviction under the Penal Code, Section 270, Section 271, Section 272, or Section 273, order the food, drink, drug or medical preparation in respect of which the conviction was had, to be destroyed.

Power to restore possession of immovable property.

400. [If, in any case in which the offence charged is attended by criminal force,] (*b*) it appears to the Court that, by such force, any person has been dispossessed of any immovable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a Civil suit.

Procedure by Police upon seizure of property taken under Section 32 or stolen.

401. The seizure by any Police officer of property taken under Section 32, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order, as he thinks fit, respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

(*a*) Added by Regulation II of 1074.

(*b*) Substituted by Regulation II of 1074.

Procedure where owner of property seized is unknown.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where no claimant appears within six months.

402. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of Our Government, and may be sold under the orders of the District Magistrate or of a Magistrate of the First Class.

In the case of every order passed under this Section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishable property.

403. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may, at any time, direct it to be sold; and the provisions of Sections 401 and 402 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

CHAPTER XLII—OF THE TRANSFER OF CRIMINAL CASES.

High Court may transfer case, or itself try it.

404. Whenever it is made to appear to the High Court—

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this Section will tend to the general convenience of the parties or witnesses, or

(*e*) that such an order is expedient for the ends of justice,

it may order—

(i) that any offence be inquired into or tried by any Court not empowered under Sections 160 to 165 (both inclusive), but in other respects competent to inquire into or try such offence; or

(ii) that any particular Criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction; or

(iii) that any particular Criminal appeal be transferred to and tried before itself; or that an accused person be committed for trial to a Court of Session

[The High Court may act either on the report of the lower Court or on the application of a party interested, or on its own initiative.

Every application for the exercise of the power conferred by this Section shall be made by motion which shall, except when the applicant is the Head Sirkar Vakil, be supported by affidavit or affirmation.

When an accused person makes an application under this Section, the High Court may direct him to execute a bond, with or without sureties conditioned that he will, if convicted, pay the costs of the prosecutor.] *(a)*

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application, unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Nothing in this Section shall be deemed to affect any order made under Section 175.

Postponement of trial or hearing pending order of the High Court.

405. If, in any Criminal case or appeal, before the commencement of the hearing, the Public Prosecutor, the complainant or the accused, notifies to the Court before which the case or appeal is pending his intention to make an application under Section 404 in respect of the case, the Court

(a) Inserted by Regulation II of 1074.

shall exercise the powers of postponement or adjournment given by Section 255 in such a manner as will afford a reasonable time for the application being made and order being obtained thereon, before the accused is called on for his defence, or in the case of an appeal, before the hearing of the appeal.

District Magistrate may withdraw or refer cases.

406. Any District Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

407. A Magistrate making an order under the foregoing Section shall record in writing his reasons for making the same.

CHAPTER XLIII—OF IRREGULAR PROCEEDINGS.

Irregularities which do not vitiate proceedings.

408. If any Magistrate, not empowered by law to do any of the following things, namely—

(*a*) to issue a search-warrant under Section 80,

(*b*) to order, under Section 137, the Police to investigate an offence,

(*c*) to issue process, under Section 167, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits, or

(*d*) to sell property under Section 402 or Section 403,

erroneously, in good faith, does that thing, his proceeding shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

409. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely—

(*a*) attaches and sells property under Section 70,

(*b*) issues a search-warrant for a letter or other document in an Anchal office,

(*c*) demands security to keep the peace,

(*d*) demands security for good behaviour,

(*e*) discharges a person lawfully bound to be of good behaviour,

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(*f*) cancels a bond to keep the peace,

(*g*) makes an order, under Section 116, as to a local nuisance,

(*h*) prohibits, under Section 126, the repetition or continuance of a public nuisance,

(*i*) issues an order under Section 127,

(*j*) makes an order under Chapter XII,

(*k*) takes cognizance under Section 170, para (2), of an offence,

(*l*) passes a sentence under Section 260, on proceedings recorded by another Magistrate,

(*m*) calls, under Section 326, for proceedings,

(*n*) makes an order for maintenance,

(*o*) revises, under Section 393, an order passed under Section 392,

(*p*) tries an offender,

(*q*) decides an appeal,

(*r*) transfers a case under Section 171,

(*s*) tenders a pardon under Section 248 or 249,

(*t*) withdraws a case and tries it under Section 406,

[(*u*) tries an offender summarily], *(a)*

his proceedings shall be void.

Proceedings in wrong place.

410. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding, in the course of which it was arrived at or passed, took place in a wrong Sessions Division, District or other local area, [or that the preliminary inquiry into the case tried by a Sessions Court, was held by a Second or Third Class Magistrate in the absence of a complaint or Police report,](*b*) unless it appears that such error occasioned a failure of justice.

Non-compliance with provisions of Section 146 or 271.

411. If any Court, before which a confession or other statement of an accused person recorded under Section 146 or Section 271 is tendered in evidence, finds that the provisions of such Section have not been fully complied with by

(*a*) Added by Regulation IV of 1082.

(*b*) Inserted by Regulation II of 1071.

the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Effect of omission to prepare charge.

412. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that a charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be re-commenced from the point immediately after the framing of the charge.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

413. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVI or on appeal or revision on account

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or other proceedings, before or during trial, or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by Section 173,

unless such error, omission, irregularity or want has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

414. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLIV—MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn.

415. Affidavits and affirmations to be used before the High Court may be sworn and affirmed before such Court or any officer of such Court appointed in that behalf.

Power to issue directions of the nature of a habeas corpus.

416. The High Court may, whenever it thinks fit, direct that a person illegally or improperly detained in public or private custody in any part of Travancore be set at liberty.

Power to summon material witness or examine person present.

417. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

418. Unless when otherwise provided by any law for the time being in force, Our Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Procedure in cases where a sentence is passed against a person confined in a Civil jail.

419. If any person liable to be imprisoned or committed to custody under this Code is in confinement in a Civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a Criminal jail.

When a person is removed to a Criminal jail under the former part of this Section, he shall, on being released therefrom, be sent back to the Civil jail, unless—

(*a*) six months have elapsed since he was removed to the Criminal jail, in which case he shall be deemed to have been discharged from the Civil jail under the Code of Civil Procedure, or

(*b*) the Court which ordered his imprisonment in the Civil jail has certified to the officer in charge of the Criminal jail that he is entitled to be discharged under the Code of Civil Procedure.

Interpreter to be bound to interpret truthfully.

420. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

421. Subject to any Rules made by Our Government, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Power of Court to pay expenses or compensation out of fine

422. Whenever, under any law in force for the time being, a Criminal Court imposes a fine or confirms, in appeal, revision or otherwise, a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by Civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

423. At the time of awarding compensation in any subsequent Civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under Section 422.

Moneys ordered to be paid recoverable as fines.

424. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Investigation into claim of attached property.

425. Claim to property attached under this Code shall be adjudicated on by the Court ordering the attachment in the manner provided for the adjudication of claims to property attached in execution of Civil decrees. The order passed under this Section shall be final unless and until set aside by a decree of a Civil Court of competent jurisdiction.

Copies of proceedings.

426. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Power of superior officers of Police.

427. Police officers superior in rank to an officer in charge of a Police Station may exercise the same powers, throughout the local area to which they are appointed, as

may be exercised by such officer within the limits of his Station.

Temporary arrangements for the conduct of work during the absence of a Magistrate.

428. Whenever any Magistrate appointed under Section 11 or 12 is prevented from discharging his duties for a period of time during which a successor cannot be or has not been appointed by Government, the District Magistrate may, during such period of time, direct any Magistrate subordinate to him to discharge the duties of such first-named Magistrate: Provided that the appointment shall not confer higher powers than those possessed by the Magistrate so appointed.

Power to compel restoration of abducted females.

429. Upon complaint made to a District Magistrate on oath of the abduction or unlawful detention of a woman or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Power of High Court to make Rules.

430. The High Court may—

(*a*) make Rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame Forms for every proceeding in the said Courts for which it thinks that a Form should be provided;

(*c*) make Rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make Rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the Rules and Forms made and framed under this Section shall not be inconsistent with this Code or any other law in force for the time being.

All Rules made under this Section shall be published in the Official Gazette.

Case in which Judge or Magistrate is personally interested.

431. No Judge or Magistrate shall try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Public servants not to bid for property.

432. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Pending cases.

433. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force, but if the trial in any particular case has already commenced, it must be conducted under the Rules of procedure in force at the commencement of the trial.

Power to Court to release upon probation of good conduct instead of sentencing to punishment.

[433 A. In any case in which any person is convicted before any Court, of theft, theft in a building, dishonest misappropriation, or any other offence under the Penal Code punishable with not more than two years' imprisonment, and no previous conviction is proved against him, if it appears to the Court before which he is so convicted that, regard being had to the youth or the character and antecedents of the offender, and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct,

(1) the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties and during such period (not exceeding one year) as the Court may direct, to appear and receive sentence when called upon and in the meantime to keep the peace and be of good behaviour, or

(2) when the person so convicted is a youthful offender, the Court may deliver him to his parent or guardian or nearest adult relative, executing a bond, with or without sureties as the Court may require, to be responsible for the good behaviour of such youthful offender for any period not exceeding one year:

Provided that when any first offender is convicted by a

Magistrate of the Second or Third Class, and the Magistrate is of opinion that the powers conferred by this Section should be exercised, he shall record his opinion to that effect and submit the proceedings to the District Magistrate, forwarding the accused to or taking bail for his appearance before such Magistrate who shall dispose of the case in the manner provided by Section 281A.

For purposes of this Section, a 'youthful offender' means any boy or girl who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment.

Provision in case of offender failing to observe conditions of his recognizance.

433 B. (1) If the Court which convicted the offender or a Court which could have dealt with the offender in respect of the offence, is satisfied that the offender has failed to observe any of the conditions of the recognizance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant shall be brought forthwith before the Court issuing the warrant, and such Court may remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence or release him.

Conditions as to abode of offender.

433 C. (1) The Court, before directing the release of an offender under Section 433 A, shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place over which the Court has jurisdiction or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Nothing in this Section or in Sections 433 A and 433 B shall affect any of the provisions of the Reformatories Regulation (IV of 1067).] (*a*)

Order for notifying address of previously convicted offender.

[434. When any person, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Penal Code, with imprisonment for a term of three years

(*a*) Added by Regulation IV of 1082.

or upwards, is again convicted of any offence punishable under either of those Chapters, with imprisonment for a term of three years or upwards by a Court of Session or District Magistrate, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of imprisonment on such person, also order that his residence and any change of residence after release be notified, as hereinafter provided, for a term not exceeding five years from the date of the expiration of such sentence.

If such conviction is set aside on appeal or otherwise such order shall become void.

Our Government may make Rules to carry out the provisions of this Section relating to the notification of residence by released convicts.

Any person refusing or neglecting to comply with any Rule so made shall be punishable as if he had committed an offence under Section 169 of the Penal Code.] (*a*)

(*a*) Added by Regulation II of 1074.

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SCHEDULE I.

REGULATIONS REPEALED.

No. and year.	Subject.	Extent of repeal.
Regulation VII of 1010 ...	Constituting the Zillah Courts, Criminal Courts of their respective Zillahs, and appointing the Judges of the Appeal Court, Circuit Judges, and defining their respective powers.	The whole.
Reg. I of 1023	Investing the Sub-officers of the different Districts in Travancore with authority to exercise the powers of the Police officers in their absence.	The whole.
Reg. I of 1032	Abolishing the Circuit Courts and establishing Sessions Courts	The whole.
Reg. I of 1037	Abolishing the three Sessions Courts and five Zillah Courts and constituting the Appeal or Sadr Court and four Zillah or District Courts of joint Criminal and Civil jurisdiction.	The whole.
Reg. III of 1041 ...	To provide for the admission of approvers.	The whole.
Reg. I of 1043	To provide for the admission of Vakils in Criminal cases.	The whole, except Sections 9, 10, 11, 15, 13 & 17.
Reg. II of 1047	To redistribute Magisterial powers and provide certain Rules of procedure in Courts of Criminal jurisdiction in Travancore.	The whole.
Reg. II of 1052	Criminal Breach of Contract.	Section 3.
Reg. I of 1053	To empower the Sub-officers of a District to dispose of Police cases during Tahsildar's tour on duty.	The whole.
Reg. III of 1056 ...	Criminal Procedure Code.	The whole.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

Explanatory Note.—The entries in the second and seventh columns of this Schedule, headed respectively "Offence" and "Punishment under the Penal Code", are not intended as definitions of the offences and punishments described in the several corresponding Sections of the Penal Code or even as abstracts of those Sections, but merely as references to the subject of the Sections, the number of which is given in the first column.

CHAPTER V—ABETMENT.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
99	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.

100 [illegible]

100	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	do.	do.	do.	do.	do.	do.
101	Abetment of any offence, when one act is abetted and a different act is done; subject to the Proviso.	do.	do.	do.	do.	The same punishment as for the offence intended to be abetted.	do.
103	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	do.	do.	do.	do.	The same punishment as for the offence committed.	do.
104	Abetment of any offence, if abettor is present when offence is committed.	do.	do.	do.	do.	do.	do.
105	Abetment of an offence punishable with death or imprisonment for life, if the offence be not committed in consequence of the abetment.	do.	do.	Not bailable.	do.	Imprisonment of either description for 7 years and fine.	do.
	If an act which causes harm be done in consequence of the abetment.	do.	do.	do.	do.	Imprisonment of either description for 14 years and fine.	do.

CHAPTER V—ABETMENT (*continued*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
106	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment extending to a quarter part of the longest term, and of any description provided for the offence, or fine, or both.	The Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	do.	do.	do.	do.	Imprisonment extending to half of the longest term, and of any description provided for the offence, or fine, or both.	do.

107	Abetting the commission of an offence by the public, or by more than ten persons.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 3 years, or fine, or both.	do.	...
108	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence be committed.	do.	...	do.	...	Not bailable.	...	do.	...	Imprisonment of either description for 7 years and fine.	do.	...
	If the offence be not committed.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 3 years and fine.	do.	...
109	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	do.	...	do.	...	According as the offence abetted is bailable or not.		do.	...	Imprisonment extending to half of the longest term, and of any description provided for the offence, or fine, or both.	do.	...
	If the offence be punishable with death or imprisonment for life.	do.	...	do.	...	Not bailable.		do.	...	Imprisonment of either description for 10 years.	do.	...

CHAPTER V—ABETMENT—(*continued*).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
109	If the offence be not committed.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment extending to a quarter part of the longest term, and of any description provided for the offence, or fine, or both.	The Court by which the offence abetted is triable.
110	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	do. ...	do. ...	do. ...	do. ...	do.	do.
	If the offence be not committed.	do. ...	do. ...	do. ...	do. ...	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both.	do.

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					both.		

CHAPTER VI—OFFENCES AGAINST THE STATE.

111	Regicide or attempt to commit regicide.	Shall not arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Death.	Court of Session.
	Assault on, restraint or confinement of, or hurt to, the person of the Sovereign.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 10 years and fine.	do. ...
112	Waging or attempting to wage war, or abetting the waging of war, against the Sovereign of this kingdom or the Queen-Empress of India.	do. ...	do. ...	do ...	do. ...	Death or imprisonment for life, and forfeiture of property.	do. ...
113	Conspiring to commit certain offences against the State.	do. ...	do. ...	do. ...	do. ...	Imprisonment for life or imprisonment of either description for 10 years.	do. ...
114	Collecting arms, &c., with the intention of waging war against the Queen-Empress of India or against the Sovereign or this kingdom.	do. ...	do. ...	do. ...	do. ...	Imprisonment for life or imprisonment of either description for 10 years, and forfeiture of property.	do. ...
115	Concealing with intent to facilitate a design to wage war.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 10 years and fine.	do. ...

CHAPTER VI—OFFENCES AGAINST THE STATE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
116	Assaulting, &c., Dewan, with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
117	Exciting, or attempting to excite, disaffection.	do ...	do ...	do ...	do ...	Imprisonment for life or for any term and fine, or fine.	do.
118	Waging or attempting to wage war or abetting the waging of war against any Native State under the Suzerainty of the Queen-Empress of India.	do ...	do ...	do ...	do ...	Imprisonment for life and fine, or imprisonment of either description for 7 years and fine, or fine.	do.
119	Committing depredation in British India or on the territories of any Native State under the Suzerainty of the Queen-Empress of India,	do ...	do ...	do ...	do ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	do.

	press of India,					property.	
120	Receiving property taken by war or depredation mentioned in Sections 118 and 119.	do.	do.	do.	do.	do.	do.
121	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	do.	do.	do.	do.	Imprisonment of either description for 10 years, and fine.	do.
122	Public servant negligently suffering prisoner of State or War in his custody to escape.	do.	do.	Bailable.	do.	Simple imprisonment for 3 years, and fine.	do.
123	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the re-capture of such prisoner.	do.	do.	Not bailable.	do.	Imprisonment of either description for 10 years and fine.	do.
	CHAPTER VII—OFFENCES RELATING TO THE ARMY.						
124	Abetting mutiny in the Army of the Queen-Empress of India or in the Nair Brigade or Body Guard or attempting to seduce any such officer or soldier.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
125	Abetment of mutiny, if mutiny is committed in consequence.	do.	do.	do.	do.	Death or imprisonment for life or imprisonment of either description for 10 years and fine.	do.

CHAPTER VII—OFFENCES RELATING TO THE ARMY—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
126	Abetment of an assault by an officer or soldier on his superior.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
127	Abetment of such assault, if the assault is committed.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	Court of Session.
128	Abetment of the desertion of any officer or soldier.	do.	do.	Bailable.	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
129	Harbouring a deserter.	do.	do.	do.	do.	do.	do.
130	Abetment of act of insubordination by an officer or soldier.	do.	do.	do.	do.	Imprisonment of either description for 6 months, or fine, or both.	do.

131	Wearing the dress of an officer or soldier, &c., with intent to personate such officer or soldier.	do. ...	Summons.	do ...	do. ...	Imprisonment of either description for 3 months, or fine of Rs. 500, or both.	Any Magistrate.
132	Purchasing arms, ammunition, &c., from an officer or soldier.	Shall not arrest without warrant.	Warrant.	do. ...	do. ...	Imprisonment of either description for 3 years, or fine of Rs. 2,000, or both.	Court of Session or Magistrate of the First Class.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

135	Being member of an unlawful assembly.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
136	Joining an unlawful assembly armed with any deadly weapon.	do. ...	Warrant.	do. ...	do ...	Imprisonment of either description for 2 years, or fine, or both.	do
137	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	do. ...	do. ...	do. ...	do. ...	do.	do
139	Rioting.	do. ...	do. ...	do. ...	do. ...	do.	do.
140	Rioting armed with a deadly weapon.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*continued*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
141	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Not compoundable.	The same as for the offence.	The Court by which the offence is triable.
142	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	do.	do.	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	do.
143	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	do.	Summons.	Bailable.	do.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

144	Assaulting or obstructing public servant when suppressing riot, &c.	do.	Warrant	do.	do.	Imprisonment of either description for 3 years, or fine, or both	Court of Session or Magistrate of the First Class.
145	Wantonly giving provocation with intent to cause riot, if rioting be committed.	do.	do	do	do.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed.	do	Summons.	do.	do.	Imprisonment of either description for 6 months, or fine, or both.	do.
146	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	do.	do.	do.	Fine of 1,000 Rs.	Magistrate of the First or Second Class.
147	Person for whose benefit or on whose behalf a riot takes place, not using all lawful means to prevent it.	do.	do.	do.	do.	Fine.	do.
148	Agent of owner or occupier for whose benefit a riot is committed, not using all lawful means to prevent it.	do.	do.	do.	do.	do.	do.
149	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	do.	do.	do.	Imprisonment of either description for 6 months, or fine, or both.	do.
150	Being hired to take part in an unlawful assembly or riot.	do.	do.	do.	do.	do	do.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*continued*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
150	Or to go armed.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
152	Committing affray.	Shall not arrest without warrant.	Summons.	do. ...	do. ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

153	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
154	Taking a gratification in order by corrupt or illegal means to influence a public servant.	do. ...	do. ...	do. ...	do. ...	do.	do.

155	Taking a gratification for the exercise of personal influence with a public servant.	do.	do.	do.	do.	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the First Class.
156	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
157	Public servant obtaining any valuable thing without consideration from a person concerned in any proceeding or business transacted by such public servant.	do.	do.	do.	do.	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the First Class.
158	Public servant disobeying a direction of the law with intent to cause injury to any person.	do.	do.	do.	do.	Simple imprisonment for 1 year, or fine, or both.	do.
159	Public servant framing an incorrect document with intent to cause injury.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
160	Public servant unlawfully engaging in trade.	do.	do.	do.	do.	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the First Class.
161	Public servant unlawfully buying or bidding for property.	do.	do.	do.	do.	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Magistrate of the First Class.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
162	Personating a public servant.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
163	Wearing garb or carrying token used by public servant with fraudulent intent.	do.	Summons.	do.	do.	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	do.
164	Sexual intercourse by a public servant with a woman under his official control.	Shall not arrest without warrant.	do.	do.	do.	Imprisonment of either description for 5 years and fine.	Court of Session or Magistrate of the First Class.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

165	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant	Summons.	Bailable.	Not compoundable.	Simple imprisonment for one month, or fine of 500 rupees, or both.	Any Magistrate

								or both.		
	If summons or notice require attendance in person, &c., in a Court of Justice.	do.	...	do.	...	do.	...	do.	...	Simple imprisonment for 6 months, or fine of 1,000 rupees or both.	do	...
166	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	do.	...	do.	...	do.	...	do.	...	Simple imprisonment for one month, or fine of 500 rupees, or both.	do.	...
	If summons, &c., require attendance in person, &c., in a Court of Justice.	do.	...	do.	...	do.	...	do.	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both	do.	...
167	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority	do.	...	do.	...	do.	...	do.	...	Simple imprisonment for one month, or fine of 500 rupees, or both.	do.	...
	If the order require personal attendance, &c., in a Court of Justice.	do.	...	do.	...	do.	...	do.	...	Simple imprisonment for 6 months, or fine of 1000 rupees or both.	...	...

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
168	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons.	Bailable.	Not compoundable.	Simple imprisonment for one month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXIV, or, if not committed in a Court, any Magistrate.
	If the document is required to be produced in or delivered to a Court of Justice.	do. ...	do. ...	do. ...	do. ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	do. ...
169	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	do. ...	do. ...	do. ...	do. ...	Simple imprisonment for one month, or fine of 500 rupees, or both.	Magistrate of the First or Second Class.

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	If the notice or information required respects the commission of an offence, &c.	do.	do.	do.	do.	Simple imprisonment for 6 months, or fine of 1,000 rupees or both.	do.
170	Knowingly furnishing false information to a public servant.	do.	do.	do.	do.	do.	do.
	If the information required respects the commission of an offence, &c.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.
171	Refusing oath when duly required to take oath by a public servant.	do.	do.	do.	do.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXIV; or, if not committed in a Court, Magistrate of the First or Second Class.
172	Being legally bound to state truth, and refusing to answer questions.	do.	do.	do.	do.	do.	do.
173	Refusing to sign a statement made to a public servant when legally required to do so.	do.	do.	do.	do.	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	do.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*(continued)*

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
174	Knowingly stating to a public servant on oath as true that which is false.	Shall not arrest without warrant.	Warrant	Bailable.	Not compoundable.	Imprisonment of either description for 3 years and fine	Court of Session or Magistrate of the First Class.
175	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	do.	Summons	do.	do.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the First or Second Class.
176	Resistance to the taking of property by the lawful authority of a public servant.	do.	do.	do.	do.	do.	do.
177	Obstructing sale of property offered for sale by authority of a public servant.	do.	do.	do.	do.	Imprisonment of either description for one month, or fine of 500 rupees, or both.	do.

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178	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby.	do.	do.	do.	do.	Imprisonment of either description for one month, or fine of 200 rupees or both.	do.
179	Obstructing public servant in discharge of his public functions.	do.	do.	do.	do.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	do.
180	Omission to assist public servant when bound by law to give such assistance.	do.	do.	do.	do.	Simple imprisonment for one month, or fine of 200 rupees, or both.	do.
	Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	do.	do.	do.	do.	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	do.
181	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	do.	do.	do.	do.	Simple imprisonment for one month, or fine of 200 rupees, or both.	do.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
181	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees or both.	Magistrate of the First or Second Class.
182	Disobedience to an order of Government relating to places of worship or procession.	do.	do.	do.	do.	Fine not exceeding 500 rupees.	District Magistrate.
183	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
184	Threatening any person to induce him to refrain from making a legal application for protection from injury.	do.	do.	do.	do.	Imprisonment of either description for 1 year, or fine, or both.	do.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

187	Giving or fabricating false evidence in a judicial proceeding	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine	Court of Session or Magistrate of the First Class.
	Giving or fabricating false evidence in any other case.	do ...	do ...	do. ...	do. ...	Imprisonment of either description for 3 years and fine.	do.
188	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	do. ...	do. ...	Not bailable	do. ...	Imprisonment for life or rigorous imprisonment for 10 years and fine.	Court of Session
	If innocent person be thereby convicted and executed.	do. ...	do. ...	do. ...	do. ...	Death, or as above.	do.
189	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or with imprisonment for 7 years or upwards.	do. ...	do. ...	do. ...	do. ...	The same as for the offence	do.
190	Using in a judicial proceeding evidence known to be false or fabricated.	do. ...	do. ...	According as the offence of giving such evidence is bailable or not.	do. ...	The same as for giving or fabricating false evidence.	do.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable.
191	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	The same as for giving false evidence.	Court of Session.
192	Using as a true certificate one known to be false in a material point.	do. ...	do. ...	do. ...	do. ...	do.	do.
193	False statement made in any declaration which is by law receivable as evidence.	do. ...	do. ...	do. ...	do. ...	do.	do.
194	Using as true any such declaration known to be false.	do. ...	do. ...	do. ...	do. ...	do.	do.
195	Receiving illegal gratification for giving evidence.	do. ...	Summons.	do. ...	do. ...	Simple imprisonment for 6 months, or fine of 200 rupees, or both.	Magistrate of the First Class.

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						of 200 rupees, or both.	
	If the evidence is to be given in any stage of a judicial proceeding.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.
196	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	do.	Warrant.	do.	do.	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with imprisonment for life or imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
	If punishable with less than 10 years' imprisonment.	do.	do.	do.	do.	Imprisonment for a quarter of the longest term and of the description provided for the offence, or fine, or both.	Magistrate of the First Class or Court by which the offence is triable.
197	Intentional omission to give information of an offence by a person legally bound to inform.	do.	Summons.	do.	do.	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the First or Second Class.
198	Giving false information respecting an offence committed.	do.	Warrant.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
199	Secreting or destroying any document to prevent its production as evidence.	Shall not arrest without warrant.	Warrant	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First Class.
200	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
201	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	do. ..	do. ...	do ...	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First Class.

	cree.						
202	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	do.	do.	do.	do.	do.	do.
203	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.
204	False claim in a Court of Justice	do.	do.	do.	do.	Imprisonment of either description for 2 years and fine.	do.
205	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	do.	do.	do.	do.	Imprisonment of either description for 2 years or fine or both.	do.
206	False charge of offence made with intent to injure.	do.	do.	do.	do.	do.	do.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
206	If offence charged be capital, or punishable with imprisonment for life, or with imprisonment for 7 years or upwards.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
207	Harbouring an offender, if the offence be capital.	May arrest without warrant.	do.	do.	do.	Imprisonment of either description for 5 years and fine.	do.
	If punishable with imprisonment for life or with imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
	If punishable with imprisonment for 1 year and not for 10 years.	do.	do.	do.	do.	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	District Magistrate or Magistrate of the First Class or Court by which the offence is triable.

						the offence, or fine, or both.	
208	Taking gift, &c., to screen an offender from punishment, if the offence be capital	Shall not arrest without warrant.	do.	do.	do.	Imprisonment of either description for 7 years and fine	Court of Session.
	If punishable with imprisonment for life or with imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
	If with imprisonment for less than 10 years.	do.	do.	do.	do.	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	District Magistrate or Magistrate of the First Class or Court by which the offence is triable.
209	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	Court of Session
	If punishable with imprisonment for life or with imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
209	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	Magistrate of the First Class or Court by which the offence is triable.
210	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First Class.
211	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	do. ...	do. ...	do. ...	Imprisonment of either description for 7 years, and fine	Court of Session.

	If punishable with imprisonment for life or with imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 3 years, with or without fine.	do
	If with imprisonment for 1 year, and not for 10 years.	do.	do.	do.	do.	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	Magistrate of the First Class or Court by which the offence is triable.
212	Harbouring robbers or dacoits.	do.	do.	do.	do.	Rigorous imprisonment for 7 years and fine.	Court of Session or Magistrate of the First Class.
214	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture.	Shall not arrest without warrant.	Summons.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
215	Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.	do.	warrant.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
216	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
217	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	do.	do.	do.	do.	Imprisonment of either description for 7 years, or fine, or both.	do.
218	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	do.	do.	do.	do.	Imprisonment of either description for 7 years, with or without fine.	do.

	If punishable with imprisonment for life or imprisonment for 10 years.	do	do.	do.	do.	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the First Class.
	If with imprisonment for less than 10 years.	do.	do.	do.	do.	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the First or Second Class.
219	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	do.	do.	Not bailable.	do.	Imprisonment for life or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of imprisonment for life or imprisonment for 10 years or upwards.	do.	do.	do.	do.	Imprisonment of either description for 7 years, with or without fine.	do.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	do.	do.	Bailable.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
220	Escape from confinement negligently suffered by a public servant.	do.	Summons.	do.	do.	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the First or Second Class.
221	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
222	Resistance or obstruction to the lawful apprehension of another person or rescuing him from lawful custody.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
	If charged with an offence punishable with imprisonment for life or imprisonment for 10 years.	do.	do.	Not bailable.	do.	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the First Class.
	If charged with a capital offence.	do.	do.	do.	do.	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If the person is sentenced to imprisonment for life or imprisonment for 10 years or upwards.	do.	do.	do.	do.	do.	do.
	If under sentence of death.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years, and fine.	do.

					years, and fine.		
223	Omission to apprehend or sufferance of escape by public servant in cases not otherwise provided for, if intentional.	Shall not arrest without warrant.	Summons.	Bailable.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.
	If negligently.	do.	do.	do.	do.	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the First or Second Class.
224	Resistance or obstruction to lawful apprehenison or escape or rescue in cases not otherwise provided for.	May arrest without warrant.	Warrant.	do.	do.	Imprisonment of either description for 6 months, or fine or both.	do.
225	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons.	do.	do.	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
226	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	do	do.	do.	do.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXIV of this Code.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
228	Counterfeiting or performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
229	Counterfeiting, or performing any part of the process of counterfeiting the Sirkar coin.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	do.
230	Making, buying or selling instrument for the purpose of counterfeiting coin.	do.	do.	do.	do.	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the First Class.
231	Making, buying or selling instrument for the purpose of counterfeiting the Sirkar coin.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	Court of Session.

	the Sirkar coin.						and fine.	
232	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.	
	If Sirkar coin.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	Court of Session.	
233	Abetting, in Travancore, the counterfeiting, out of Travancore, of coin.	do.	do.	do.	do.	The punishment provided for abetting the counterfeiting of such coin within Travancore.	do.	
234	Import or export of counterfeit coin, knowing the same to be counterfeit.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.	
235	Import or export of counterfeits of the Sirkar coin, knowing the same to be counterfeit.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	Court of Session.	
236	Having any counterfeit coin known to be such when it came into possession and delivering, &c., the same to any person.	do.	do.	do.	do.	Imprisonment of either description for 5 years and fine	do.	

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable.
237	The same with respect to the Sirkar coin.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
238	Knowingly delivering to another any counterfeit coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Magistrate of the First Class.
239	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	do.	do. ...	do. . .	do. ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
240	Possession of Sirkar coin by a person who knew it to be counterfeit when he became possessed thereof.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 7 years and fine.	Court of Session.

241	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	do.	...	do.	...	do.	...	do.	...	do.	do.
242	Unlawfully taking from a Mint any coining instrument.	do.	...	do.	...	do.	...	do.	...	do.	do.
243	Fraudulently diminishing the weight or altering the composition of any coin.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
244	Fraudulently diminishing the weight or altering the composition of the Sirkar coin.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 7 years and fine.	Court of Session.
245	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 3 years and fine.	do
246	Altering appearance of the Sirkar coin with intent that it shall pass as a coin of a different description.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 7 years and fine.	do
247	Delivery to another of coin possessed with the knowledge that it is altered	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 5 years and fine.	do.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
248	Delivery of Sirkar coin possessed with the knowledge that it is altered.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
249	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	do.	do. ...	do. ...	do. ...	Imprisonment of either description for 3 years and fine.	do.
250	Possession of Sirkar coin by a person who knew it to be altered when he became possessed thereof.	do.	do. ...	do. ...	do. ...	Imprisonment of either description for 5 years and fine.	do.
251	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Magistrate of the First or Second Class.

252	Counterfeiting a Government stamp.	do.	do.	Bailable.	do.	Imprisonment for life, or imprisonment of either description for 10 years and fine.	Court of Session
253	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	do	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
254	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	do.	do.	do.	do.	do.	do.
255	Sale of counterfeit Government stamp.	do.	do.	do	do.	do.	do.
256	Having possession of a counterfeit Government stamp.	do.	do.	do,	do.	do.	do.
257	Using as genuine a Government stamp known to be counterfeit.	do.	do.	do.	do.	Imprisonment of either description for 7 years, or fine, or both.	do
258	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	do	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
259	Using a Government stamp known to have been before used.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable
260	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
261	Making, uttering, dealing in or selling fictitious stamp or knowingly using the same for any Postal or Anchal purpose or being in possession of such stamp or making or being in possession of any die, plate, instrument or materials for marking such stamp.	do.	do.	Bailable	do.	Fine of 200 rupees and seizure of such stamp, instrument, &c.	Magistrate of the First or Second Class.

CHAPTER XIII—OFFENCES RELATING TO WEIGHTS AND MEASURES.

262	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First or Second Class.

						...ion for one year, or fine, or both.	or Second Class.
263	Fraudulent use of false weight or measure.	do. ...	do. ...	do. ...	do. ...	do.	do.
264	Being in possession of false weights or measures for fraudulent use.	do. ...	do. ...	do. ...	do. ...	do.	do.
265	Making or selling false weights or measures for fraudulent use.	do. ...	do. ...	do. ...	do. ...	do.	do.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

267	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the First or Second Class.
268	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 2 years, or fine, or both.	do.
269	Knowingly disobeying any quarantine Rule	Shall not arrest without warrant.	do. ...	do. ...	do. ...	Imprisonment of either description for 6 months, or fine, or both.	do.
270	Adulterating food or drink intended for sale, so as to make the same noxious.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the First Class.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
271	Selling any food or drink as food and drink knowing the same to be noxious.	Shall not arrest without warrant.	Summons	Bailable.	Not compoundable	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both	Magistrate of the First Class.
272	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	do.	do.	do.	do.	do.	do.
273	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	do.	do.	do.	do.	do.	do.
274	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	do.	do.	do.	do.	do.	do.

275	Defiling the water of a public spring or reservoir.	May arrest without warrant.	do.	do.	do.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
276	Making atmosphere noxious to health.	Shall not arrest without warrant.	do.	do.	do.	Fine of 500 rupees.	do.
277	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	do.	do.	do.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	do.
278	Navigating any vessel so rashly or negligently as to endanger human life, &c.	do.	do.	do.	do.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the First or Second Class.
279	Exhibition of a false light, mark or buoy.	do.	Warrant.	do.	do.	Imprisonment of either description for 7 years or fine or both.	Court of Session.
280	Conveying for hire any person by water in a vessel in such a state or so loaded, as to endanger his life.	do.	Summons.	do.	do.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the First or Second Class.
281	Causing danger, obstruction or injury in any public way or line of navigation.	do.	do.	do.	do.	Fine of 200 rupees.	Any Magistrate.
282	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	do.	do.	do.	Imprisonment of either description for 6 months, or fine of 1000 rupees, or both.	do.

CHAPTER XIV. OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS *(continued)*.

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable.
283	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
284	So dealing with any explosive substance.	do.	do.	do.	do.	do.	do.
285	So dealing with any machinery.	Shall not arrest without warrant.	do.	do.	do.	do.	Magistrate of the First or Second Class.
286	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	do.	do.	do.	do.	do.	do.
287	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	do.	do.	do.	do.	Any Magistrate.

288	Committing a public nuisance.	Shall not arrest without warrant	do.	do.	do.	Fine of 200 rupees.	do.
289	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	do.	do.	do.	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the First or Second Class.
290	Sale, &c., of obscene books, &c.	do.	Warrant.	do.	do.	Imprisonment of either description for 3 months, or fine, or both.	do.
291	Having in possession obscene book, &c., for sale or exhibition.	do.	do.	do.	do.	do.	do.
292	Obscene acts and songs.	do.	do.	do.	do.	do.	do.
293	Keeping a lottery-office.	Shall not arrest without warrant.	Summons	do.	do.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	do.	do.	do.	do.	Fine of 1,000 rupees.	do.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

294	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First Class.

CHAPTER XV—OFFENCES RELATING TO RELIGION—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
295	Causing a disturbance to an assembly engaged in religious worship.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First Class.
296	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	do. ...	do. ...	do. ...	do. ...	do.	do.
297	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	do. ...	do. ...	Compoundable.	do.	do.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Of offences affecting life.

301	Murder.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Death, or imprisonment for life, and fine	Court of Session.
302	Murder by a person under sentence of imprisonment for life.	do.	do.	do.	do.	Death.	do.
303	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	do.	do.	do.	do.	Imprisonment for life, or imprisonment of either description for 10 years and fine	do.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	do.	do.	do.	do.	Imprisonment of either description for 10 years, or fine, or both.	do.
304	Causing death by rash or negligent act.	do.	do.	Bailable.	do.	Imprisonment of either description 2 years, or fine, or both.	do.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	do.	do.	Not bailable.	do.	Death, or imprisonment for life, or imprisonment of either description for 10 years, and fine.	do.
306	Abetting the commission of suicide.	do	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting life.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
307	Attempt to murder.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine	Court of Session.
	If such act cause hurt to any person.	do.	do.	do.	do.	Imprisonment for life or as above.	do.
	Attempt by life-convict to murder, if hurt is caused.	do.	do.	do.	do.	Death.	do.
308	Attempt to commit culpable homicide.	do.	do.	Bailable.	do.	Imprisonment of either description for 3 years, or fine, or both.	do.
	If such act cause hurt to any person.	do.	do.	do.	do.	Imprisonment of either description for 7 years, or fine, or both.	do.
309	Attempt to commit suicide.	do.	do.	do.	do.	Simple imprisonment for one year, or fine, or both.	Magistrate of the First or Second Class.
311	Being a thug.	do.	do.	Not bailable.	do.	Imprisonment for life and fine.	Court of Session.

Of the causing of miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage.	Shall not arrest without warrant.	Warrant	Bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session
	If the woman be quick with child.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
313	Causing miscarriage without woman's consent.	do.	do.	Not bailable.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	do.
314	Death caused by an act done with intent to cause miscarriage.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
	If act done without woman's consent.	do.	do.	do.	do.	Imprisonment for life, or as above.	do.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	do.	do.	do.	do.	Imprisonment of either description for 10 years, or fine, or both.	do.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—(*continued*).

Of the causing of miscarriage; of injuries to unborn children; of the exposure of infants, and of the concealment of births.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
318	Concealment of birth by secret disposal of dead body.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.
			Of hurt.				
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for one year, or fine of 1,000 rupees, or both.	Any Magistrate.

324	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant.	do.	do.	Compoundable when permission is given by the Court before which a prosecution is pending	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.
325	Voluntarily causing grievous hurt.	do.	do.	do.	Not compoundable.	Imprisonment of either description for 7 years and fine.	do.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	do.	do.	Not bailable.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	Court of Session or Magistrate of the First Class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	do.	Warrant.	do.	do.	Imprisonment of either description for 10 years, and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt, &c.	do.	do.	do.	do.	do.	do.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commisson of an offence.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	do.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY —(*continued*)

Of hurt.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	do.	do.	Not bailable.	do.	Imprisonment of either description for 10 years and fine.	do.
332	Voluntarily causing hurt to deter public servant from his duty.	do.	do.	Bailable.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
333	Voluntarily causing greivous hurt to deter public servant from his duty.	do.	do.	Not bailable.	do.	Imprisonment of either description for 10 years and fine.	Court of Session.

334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for one month, or fine of 500 rupees, or both.	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	do.	do.	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session or Magistrate of the First or Second Class.
336	Doing any act which endangers human life or the personal safety of others.	do.	do.	do.	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by any act which endangers human life, &c.	do.	do.	do.	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the First or Second Class.
338	Causing grievous hurt by an act which endangers human life, &c.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	do.

CHAPTER XVI--OFFENCES AFFECTING THE HUMAN BODY--*(continued)*.

Of wrongful restraint and wrongful confinement.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
341	Wrongfully restraining any person.	May arrest without warrant.	Summons.	Bailable.	Compoundable.	Simple imprisonment for one month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	do.	do.	do.	do.	Imprisonment of either description for one year, or fine of 1,000 rupees, or both.	Magistrate of the First or Second Class.
343	Wrongfully confining for three or more days.	do.	do.	do.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	do.
344	Wrongfully confining for ten or more days.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First or Second Class.

345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	do.	do.	do.	Imprisonment of either description for 2 years, in addition to imprisonment under any other Section.	do.
346	Wrongful confinement in secret.	May arrest without warrant.	do	do	do.	do.	do.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	do.	do.	do	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	do.	do.	do.	do.	do.	do.

Of criminal force and assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for three months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant.	do.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—*(continued)*.

Of criminal force and assault.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
355	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons.	do.	Compoundable	do.	do.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable	do.	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	do.	do	Bailable.	do.	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	do.
358	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant.	Summons.	do	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	do.

Of kidnapping, abduction, slavery and forced labour.

363	Kidnapping.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
364	Kidnapping or abducting in order to murder.	do.	do.	do.	do.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	do.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	do.	do.	do.	do.	do.	do.
368	Concealing or keeping in confinement a kidnapped person.	do.	do.	do.	do.	Punishment for kidnapping or abduction.	do.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	do.	Bailable.	do.	do.	do.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—*(continued)*.

Of kidnapping, abduction, slavery and forced labour.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
371	Habitual dealing in slaves.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment for life, or imprisonment of either description for 10 years and fine.	Court of Session.
372	Selling or letting to hire a minor for purposes of prostitution, &c.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
373	Buying or obtaining possession of a minor for the same purposes.	do.	do.	do.	do.	do.	do.
374	Unlawful compulsory labour.	do.	do.	Bailable.	Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of rape

376	Rape.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment for life or imprisonment of either description for 10 years and fine.	Court of Session.

Of unnatural offences.

377	Unnatural offences.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment for life, or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER XVII—OFFENCES AGAINST PROPERTY

Of theft.

379	Theft.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel.	do.	do ...	do. ...	do. ...	Imprisonment of either description for 7 years and fine.	do.
381	Theft by a clerk or servant of property in possession of master or employer.	do.	do. ...	do. ...	do. ...	do.	Court of Session or Magistrate of the First or Second Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of theft.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session

Of extortion.

384	Extortion.	Shall not arrest without warrant.	do.	Bailable.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both.	do.

386	Extortion by putting a person in fear of death or grievous hurt.	do.	do.	Not bailable	do.	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
388	Extortion by threat of accusation of an offence punishable with death, imprisonment for life, or imprisonment for 10 years.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
	If the offence threatened be an unnatural offence.	do.	do.	do.	do.	Imprisonment for life.	do.
389	Putting a person in fear of accusation of offence punishable with death, imprisonment for life or with imprisonment for 10 years, in order to commit extortion.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
	If the offence be an unnatural offence	do.	do.	do.	do.	Imprisonment for life.	do.

Of robbery and dacoity.

392	Robbery.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session or Magistrate of the First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of robbery and dacoity.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
392	If committed on the highway between sunset and sunrise.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Rigorous imprisonment for 14 years and fine.	Court of Session or Magistrate of the First Class.
393	Attempt to commit robbery.	do.	do.	do.	do.	Rigorous imprisonment for 7 years and fine.	do.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	do.	do.	do.	do.	Imprisonment for life or rigorous imprisonment for 10 years and fine.	do.
395	Dacoity.	do.	do.	do.	do.	Imprisonment for life or rigorous imprisonment for 10 years, and fine.	Court of Session.

396	Murder in dacoity.	do.	do.	do.	do.	Death, imprisonment for life or rigorous imprisonment for 10 years and fine	Court of Session.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	do.	do.	do.	do.	Rigorous imprisonment for not less than 7 years.	do.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	do.	do.	do.	do.	do.	do.
399	Making preparation to commit dacoity.	do.	do.	do.	do.	Rigorous imprisonment for 10 years and fine.	do.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	do.	do.	do.	do.	Imprisonment for life or rigorous imprisonment for 10 years and fine.	do.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	do.	do.	do.	do.	Rigorous imprisonment for 7 years and fine.	do.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	do.	do.	do.	do.	do.	do.
	Of criminal misappropriation of property						
403	Dishonest misappropriation of movable property, or converting it to one's own use.	Shall not arrest without warrant	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of criminal misappropriation of property.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First or Second Class.
	If by clerk or by person employed by deceased.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
405	Opening letters, &c., not addressed to or intended for the person opening.	do.	Summons.	do.	Compoundable with the permission of the Court.	Fine of 500 rupees.	Magistrate of the First Class.

Of criminal breach of trust.

407	Criminal breach of trust.	Shall not arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First Class.
408	Criminal breach of trust by a carrier, wharfinger, &c.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
409	Criminal breach of trust by a clerk or servant.	do.	do.	do.	do.	do.	do.
410	Criminal breach of trust by public servant, or by banker, merchant or agent, &c.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	do.

Of the receiving of stolen property.

412	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or magistrate of the First or Second Class.
413	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	do.	do.	do.	do.	Imprisonment for life or rigorous imprisonment for 10 years and fine.	Court of Session.
414	Habitually dealing in stolen property.	do.	do.	do.	do.	Imprisonment for life, or imprisonment of either description for 10 years, and fine.	do.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of the receiving of stolen property.

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
415	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.

Of cheating.

418	Cheating.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the First or Second Class.
419	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the First or Second Class.
420	Cheating by personation.	do.	do.	do.	do.	do.	do.

421	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration, or destruction, of a valuable security.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the First Class.
	Of fraudulent deeds and dispositions of property.						
422	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
423	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	do.	do.	do.	do.	do.	do.
424	Fraudulent execution of deed of transfer containing a false statement of consideration.	do.	do.	do.	do.	do.	do.
425	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	do.	do.	do.	do.	do.	do.
427	Mischief.	do.	Summons.	do.	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of fraudulent deeds and dispositions of property.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
428	Mischief and thereby causing damage to the amount of fifty rupees or upwards.	Shall not arrest without warrant.	Warrant.	Bailable.	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
429	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of ten rupees or upwards.	May arrest without warrant.	do. ...	do. ...	Not compoundable.	do.	Any Magistrate.
430	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.
431	Mischief by causing diminution of supply of water for agricultural purposes, &c.	do. ...	do. ...	do ...	do. ...	do.	do.

432	Mischief by injury to public road, bridge, navigable river, or navigable channel and rendering it impassable, or less safe for travelling or conveying property.	do.	do.	do.	do.	do.	do.
433	Mischief by causing inundation or obstruction to public drainage, attended with damage.	do.	do.	do.	do.	do.	do.
434	Mischief by destroying or moving or rendering loss useful a light-house or sea-mark or by exhibiting false light.	do.	do.	do.	do.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
435	Mischief by destroying or moving, &c, a land-mark fixed by public authority.	Shall not arrest without warrant.	do.	do.	do.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First or Second Class.
436	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.	May arrest without warrant.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	Court of Session.
437	Mischief by fire or explosive substance with intent to destroy a house, &c.	do.	do.	Not bailable.	do.	Imprisonment for life, or imprisonment of either description for 10 years and fine	do.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of fraudulent deeds and dispositions of property.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
438	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
439	The mischief described in the last Section when committed by fire or any explosive substance.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 10 years and fine.	do.
440	Running vessel ashore with intent to commit theft, &c.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
441	Mischief committed after preparation made for causing death or hurt, &c.	do.	do.	do.	do.	Imprisonment of either description for 5 years and fine.	do.

Of criminal trespass.

448	Criminal trespass.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
449	Criminal trespass on land delivered in execution of decree.	do.	do.	do.	Not compoundable.	Imprisonment of either description for one year, or fine of 1,000 rupees, or both.	Magistrate of the First or Second Class.
450	House-trespass.	May arrest without warrant.	Warrant.	do.	Compoundable.	do.	Any Magistrate.
451	House-trespass in order to the commission of an offence punishable with death.	do.	do.	Not bailable.	Not compoundable.	Imprisonment for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
452	House-trespass in order to the commission of an offence punishable with imprisonment for life.	do.	do.	do.	do.	Imprisonment of either description for 10 years and fine.	do.
453	House-trespass in order to the commission of an offence punishable with imprisonment.	do.	do.	Bailable.	do.	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft.	do.	do.	Not bailable.	do.	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the First or Second Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of criminal trespass.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
454	House-trespass, having made preparation for causing hurt, assault, &c.	May arrest without warrant.	warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the First or Second Class.
455	Lurking house-trespass or house-breaking.	do.	do.	do.	do.	Imprisonment of either description for 2 years and fine.	Magistrate of the First or Second Class.
456	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	do.	do.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First or Second Class.
	If the offence is theft.	do.	do.	do.	do.	Imprisonment of either description for 10 years	do.

457	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 10 years and fine.	Court of Session or Magistrate of the First Class.
458	Lurking house-trespass or house-breaking by night.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First or Second Class.
459	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 5 years and fine.	do.
	If the offence is theft.	do.	...	do.	...	do.	...	do.	...	Imprisonment of either description for 14 years and fine.	do.
460	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	do.	...	do.	...	do.	...	do.	...	do.	Court of Session or Magistrate of the First Class.
461	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	do.	...	do.	...	do.	...	do.	...	Imprisonment for life or imprisonment of either description for 10 years and fine.	Court of Session.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of criminal trespass.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code	8 By what Court triable.
462	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	May arrest without warrant.	Warrant.	Not bailable	Not compoundable	Imprisonment for life or imprisonment of either description for 10 years and fine.	Court of Session.
463	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	do.	do.	Bailable	do.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class
464	Being entrusted with any closed receptacle containing or supposed to contain any property and fraudulently opening the same.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.

CHAPTER XVIII—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

467	Forgery.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.

468	Forgery of a record of a Court of Justice or of a register of births, &c., kept by a public servant.	do.	do.	Not bailable.	do.	Imprisonment of either description for 7 years, and fine.	do.
469	Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, &c.	do.	do.	do.	do.	Imprisonment for life, or imprisonment of either description for 10 years and fine.	do.
470	Forgery for the purpose of cheating.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
471	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	do.	do.	Bailable.	do.	Imprisonment of either description for 3 years and fine.	do.
473	Using as genuine a forged document which is known to be forged.	do.	do.	do.	do.	Punishment for forgery.	do.
474	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Section 469 of the Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	do.	do.	Not bailable.	do.	Imprisonment for life or imprisonment of either description for 7 years and fine.	do.

CHAPTER XVIII—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
475	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Section 469 of the Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
476	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in Section 468 of the Penal Code.	do. ...	do. ...	do. ...	do. ...	do.	do.
	If the document is one of the description mentioned in Section 469	do. ...	do. ...	do. ...	do. ...	Imprisonment for life or imprisonment of either description for 7 years and fine	do.

477	Counterfeiting a device or mark used for authenticating documents described in Section 469 of the Penal Code, or possessing counterfeit marked material.	do.	do.	do.	do.	do.	do.
478	Counterfeiting a device or mark used for authenticating documents other than those described in Section 469 of the Penal Code or possessing counterfeit marked material.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine.	do.
479	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, &c.	do.	do.	do.	do.	Imprisonment for life or imprisonment of either description for 7 years and fine.	do.
480	Falsification of accounts by a clerk, officer, or servant.	do.	do.	do.	do.	Imprisonment of either description for 7 years, or fine, or both.	do.

Of trade and property-marks.

485	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant	Bailable.	Not compoundable.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First or Second Class.

CHAPTER XVIII—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued)*.

Of trade and property-marks.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whethor a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
486	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Shall not arrest without warrant.	Warrant.	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the First or Second Class.
487	Counterfeiting a property-mark used hy a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	do.	Summons.	do.	do.	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the First Class.
488	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	do.
489	Knowingly selling goods marked with a counterfeit property or trade-	do.	do.	do.	do.	Imprisonment of either description for one year,	Magistrate of the First or Second

490	Fraudulently making a false mark upon any package or receptacle containing goods with intent to cause it to be believed that it contains goods which it does not contain, &c.	do.	do.	do.	do.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the First or Second Class.
491	Making use of any such false mark.	do.	do.	do.	do.	do.	do.
492	Removing, destroying, or defacing any property-mark with intent to cause injury.	do.	do.	do.	do.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First or Second Class.

CHAPTER XIX - CRIMINAL BREACH OF CONTRACTS OF SERVICE.

493	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for one month, or fine of 100 rupees, or both.	Magistrate of the First or Second Class.
494	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	do.	do.	do.	do.	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	do.

CHAPTER XIX—CRIMINAL BREACH OF CONTRACTS OF SERVICE *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
495	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Shall not arrest without warrant.	Summons.	Bailable.	Compoundable.	Imprisonment of either description for one month, or fine of double the expense incurred, or both.	Magistrate of the First or Second Class.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

496	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
497	Marrying again during the lifetime of a husband or wife.	do. ...	do. ...	Bailable.	do. ...	Imprisonment of either description for 7 years and fine.	do.

498	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	do.	do.	Not bailable	do.	Imprisonment of either description for 10 years and fine.	do.
499	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	do.	do.	do.	do.	Imprisonment of either description for 7 years and fine	do.
500	Adultery.	do.	do.	Bailable	Compoundable.	Imprisonment of either description for 5 years, or fine, or both	Court of Session or Magistrate of the First Class.
501	Enticing or taking away or detaining with a criminal intent a married woman.	do.	do.	do.	do.	Imprisonment of either description for 2 years, or fine, or both	do.

CHAPTER XXI—DEFAMATION

503	Defamation.	Shall not arrest without warrant	Summons.	Bailable.	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session or Magistrate of the First Class.
504	Printing or engraving matter knowing it to be defamatory.	do.	do.	do.	do.	do.	do.
505	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	do.	do.	do.	do.	do.	do.

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CHAPTER XXII—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
507	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant.	Bailable.	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
508	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	do.	do.	Not bailable.	Not compoundable.	do.	Magistrate of the First Class.
509	Criminal intimidation.	do.	do.	Bailable	Compoundable.	do.	Any Magistrate.
	If threat be to cause death or grievous hurt, &c.	do.	do.	do.	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session or Magistrate of the First Class.
510	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	do.	do.	do.	do.	Imprisonment of either description for 2 years, in addition to the punishment under the above Section.	do.

511	Act caused by inducing a person to believe that he will be rendered an object of divine displeasure.	do. ...	do. ...	do. ...	do. ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the First or Second Class.
512	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	do. ...	do. ...	do. ...	do. ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the First Class.
513	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	do. ...	do. ...	do. ...	do. ...	Simple imprisonment for 24 hours, or fine of 10 rupees or both.	Any Magistrate.

CHAPTER XXIII—ATTEMPTS TO COMMIT OFFENCES.

514	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Imprisonment not exceeding half of the longest term, and of any description, provided for the offence or fine or both.	The Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Penal Code.	8 By what Court triable.
	If punishable with death, imprisonment for seven years, or upwards.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	... ...	According to the provisions of Section 16 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	do. ...	do. ...	do. ...	do. ...	... ...	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons.	Bailable.	do. ...	... ...	
	If punishable with fine only.	do. ...	do. ...	do. ...	do. ...	... ...	

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SCHEDULE III.

[ORDINARY] *(a)*

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(ii) Power to take cognizance of a case upon his own knowledge or suspicion.

(2) Powers with which a Magistrate of the First Class may be invested.

(i) Power to try summarily under Section 236 A.

(ii) Power to hear appeals from conviction by Magistrates of the Second or Third Class.

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Summons to an accused person.

(Section 49)

To of

Whereas your attendance is necessary to answer to a charge of (state shortly the offence charged), you are hereby required to appear in person (or by pleader, as the case may be) before the (Magistrate) of , on the day of . Herein fail not.

Dated this day of , 10...

Seal Signature.

No. 2.

Warrant of arrest

(Section 57)

To (name and designation of the person or persons who is or are to execute the warrant).

Whereas of stands charged with the offence of (state the offence), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of 10..

Seal. Signature.

No. 3.

Bond and bail-bond after arrest under a warrant.

I (full name) of (description of residence, &c.) being brought before the (grade) Magistrate of (station) under a warrant issued to compel my appearance, to answer to the

charge of (offence) do hereby bind myself to attend in the Court of (grade and station) on the (date) day of of (month) 10 . to answer to the said charge and to continue so to attend on all the dates fixed for hearing until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Government the sum of rupees (figure) (in words)

Dated this (date) day of (month) 10...

(Signature of accused).

I do hereby declare myself surety for the above-named (full name) of (description of residence, &c.) that he shall attend before (officer) in the Court of (grade and station) on the (date) day of (month) 10 . to answer to the charge on which he has been arrested, and shall continue so to attend on all the dates fixed for hearing until otherwise directed by the Court; and, in case of his making default therein, I bind myself to forfeit to Government the sum of rupees (figure) (in words)

Dated this (date) day of (month) 10...

(Signature of surety.)

No. 4

The warrant of arrest may be endorsed as follows:—

(Section 58.)

If the said shall give bail himself in the sum of , with one surety in the sum of (or two sureties each in the sum of) to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of 10...

Signature.

No 5.

Proclamation requiring the appearance of a person accused.

(Section 69).

Whereas complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of , punishable under Section of the Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (place) before this Court (or before me) to answer the said complaint within days from this date.

Dated this day of 10...

Seal. Signature.

No. 6.

Proclamation requiring attendance of a witness.

(Section 69.)

Wheras complaint has been made before me that (name, description and address) has (or is suspected to have) committed the offence of (mention the offence concisely) and a warrant has been issued to compel the attendance of (name, description and address of the witness) before this Court to be examined, touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (name of witness) cannot be served, and it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant)

Proclamation is hereby made that the said (name) is required to appear at (place) before the Court of on the day of next at o'clock to be examined touching (the offence complained of).

Dated this day of 10...

Seal. Signature.

No. 7.

Order of attachment to compel the attendance of a witness.

(Section 70)

To the Police officer in charge of the Police Station at .

Whereas a warrant has been duly issued to compel the attandance of (name, description and address) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant); and thereupon a proclamation was duly issued and published requiring the said

to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorise and require you to attach by seizure the movable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 10...

Seal. Signature

No. 8.

Order of attachment to compel the appearance of a person accused.

(Section 70)

To (name and designation of the person or persons who is or are to execute the warrant).

Whereas complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under Section of the Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant); and thereupon a proclamation was duly issued and published requiring the said to appear to answer to the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (or town) of in the District of *viz.*, and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 10....

Seal. Signature.

No. 9.

Warrant in the first instance to bring up a witness.

(Section 72)

To (name and designation of the Police officer or other person or persons who is or are to execute the warrant).

Whereas complaint has been made before me that of has (or is suspected to have) committed the offence of (mention the offence concisely), and it appears likely that (name and description of witness) can give evidence concerning the said complaint; and whereas I have good aud sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (name) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of 10..

Seal. Signature.

No. 10.

Warrant to search after information of a particular offence.

(Section 78)

To (name and designation of the Police officer or other person or persons who is or are to execute the warrant).

Whereas information has been laid (or complaint has been made) before me of the commission (or suspected commission) of the offence of (mention the offence concisely), and it has been made to appear to me that the production of (specify the thing clearly) is essential to the inquiry now being made (or about to be made) into the said offence (or suspected offence);

This is to authorise and require you to search for the said (the thing specified) in the (describe the house or place, or part thereof, to which the search is to be confined), and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10..

Seal. Signature

No. 11.

Warrant to search suspected place of deposit.

(Section 80)

To (name and designation of a Police officer above the rank of a Head Constable).

Whereas information has been laid before me, and on due inquiry thereupon had, I have been led to believe that the (describe the house or other place) is used as a place for the deposit (or sale) of stolen property (or if for either of the other purposes expressed in the Section, state the purpose in the words of the Section) ;

This is to authorise and require you to enter the said house (or other place) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (or other place, or if the search is to be confined to a part, specify the part clearly), and to seize and take possession of any property (or documents, or stamps, or seals, or coins, as the case may be)—[Add (when the case requires it) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coins, (as the case may be)] and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 12.

Bond to keep the peace.

(Section 90)

Whereas I, (name), inhabitant of (place), have been called upon to enter into a bond to keep the peace for the term of ; I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term ; and,

in case of my making default therein, I hereby bind myself to forfeit to His Highness the Maha Rajah's Government, the sum of rupees .

Dated this day of 10 ..

Signature.

No. 13.

Bond for good behaviour.

(Sections 92 & 93)

Whereas I, (name), inhabitant of (place), have been called upon to enter into a bond to be of good behaviour to His Highness the Maha Rajah's Government, and to all His Highness' subjects for the term of (state the period), I hereby bind myself to be of good behaviour to His Highness' Government and to all His Highness' subjects during the said term; and in case of my making default therein, I hind myself to forfeit to His Highness' Government the sum of rupees .

Dated this day of 10...

Signature.

(Where a bond with sureties is to be executed, add)—We do hereby declare ourselves sureties for the above-named , that he will be of good behaviour to His Highness the Maha Rajah's Government and to all His Highness' subjects during the said term; and in case of his making default therein, we bind ourselves, jointly and severally to forfeit to His Highness' Government the sum of rupees .

Dated this day of 10...

Signature.

No. 14.

Summons on information of a probable breach of the peace.

(Section 97)

To of

Whereas it has been made to appear to me by credible information that (state the substance of the information)

and that you are likely to commit a breach of the peace (or by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (or by a duly authorised agent) at the office of the Magistrate of on the day of 10... , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [when sureties are required, add: and also to give surety by the bond of one (or two, as the case may be) surety or (sureties) in the sum of rupees (each if more than one)], that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of 10 .

Seal. Signature.

No. 15.

Warrant of commitment on failure to find security to keep the peace.

(Section 106)

To the Superintendent (or Keeper) of the jail at .

Whereas (name and address) appeared before me in person (or by his authorised agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (or a bond with two sureties each in rupees), that he, the said (name) would keep the peace for the period of months; and whereas an order was then made requiring the said (name) to enter into and find such security (state the security ordered when it differs from that mentioned in the summons), and he has failed to comply with the said order;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said

(name) released, and to return this warrant with an endorsement, certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature

No. 16.

Warrant of commitment on failure to find security for good behaviour.

(Section 106)

To the Superintendent (or Keeper) of the jail at .

Whereas it has been made to appear to me that (name and description) has been and is lurking within the District of having no ostensible means of subsistence (or, and that he is unable to give any satisfactory account of himself); or

Whereas evidence of the general character of (name and description) has been adduced before me and recorded, from which it appears that he is a habitual robber (or housebreaker, &c., as the case may be);

And whereas an order has been recorded stating the same and requiring the said (name) to furnish security for his good behaviour for the term of (state the period) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees , and the said surety (or each of the said sureties) for rupees and the said (name) has failed to comply with the said order and for such default has been adjudged imprisonment for (state the term) unless the said surety be sooner furnished;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant and him safely to keep in the said jail for the said period of (term of imprisonment) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received and the said

(name) released, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10 .

Seal. Signature.

No. 17.

Warrant to discharge a person imprisoned on failure to give security.

(Sections 106 & 107)

To the Superintendent (or Keeper) of the jail at (or other officer in whose custody the person is).

Whereas (name and description of person) was committed to your custody under warrant of the Court, dated the day of , and has since duly given security under Section of the Code of Criminal Procedure;

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorise and require you forthwith to discharge the said (name) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of 10 ..

Seal. Signature.

No. 18.

Order for the removal of nuisance.

(Section 116)

To (name, description and address)

Whereas it has been made to appear to me that you have caused an obstruction (or nuisance) to persons using the public roadway (or other public place) which, &c., (describe the road or public place), by, &c., (state what it is that causes the obstruction or nuisance) and that such obstruction (or nuisance) still exists;

or

Whereas it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (state the particular trade or occupation and the place where it is carried on) and that the same is injurious to the public health (or comfort) by reason (state briefly in what manner the injurious effects are caused and should be suppressed or removed to a different place);

or

Whereas it has been made to appear to me that you are the owner of (or are in possession of, or have the control over) a certain tank (or well or excavation) adjacent to the public way (describe the thoroughfare), and that the safety of the public is endangered by reason of the said tank (or well or excavation) being without a fence (or insecurely fenced);

or

Whereas, &c., &c., (as the case may be);

I do hereby direct and require you within (state the time allowed) to (state what is required to be done to abate the nuisance) or to appear at in the Court of on the day of next and show cause why this order should not be enforced;

or

I do hereby direct and require you within (state the time allowed) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c.;

or

I do hereby direct and require you within (state the time allowed) to put up a sufficient fence (state the kind of fence and the part to be fenced); or to appear, &c.;

or

I do hereby direct and require you, &c., &c., (as the case may be).

Given under my hand and the seal of the Court, this day of 10..

Seal. Signature.

No. 19.

Magistrate's order constituting a Panchayet.

(Section 121)

Whereas on the day of 10... , an order was issued to (name) requiring him (state the effect of the order), and whereas the (name) has applied to me, by a petition bearing date the day of , for an order appointing a Panchayet to try whether the said recited order is reasonable and proper; I do hereby appoint (the names, &c., of the five or more members) to be the Panchayet to try and decide the said question, and do require the said Panchayet to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 20.

Magistrate's notice and peremptory order after the finding by a Panchayet.

(Section 123)

To (name, description and address).

I hereby give you notice that the Panchayet duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (state substantially the requisition in the order) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (state the time allowed) on peril of the penalty provided by the Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of 10... .

Seal. Signature.

No. 21.

Injunction to provide against imminent danger pending inquiry by Panchayet.

(Section 125)

To (name, description and address).

Whereas the inquiry by a Panchayet appointed to try whether my order, issued on the day of 10... , is reasonable and proper, is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of Section 125 of the Code of Criminal Procedure, direct and enjoin you forthwith to (state plainly what is required to be done as a temporary safeguard), pending the result of the local inquiry by the Panchayet.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 22.

Magistrate's order prohibiting the repetition, &c., of a nuisance.

(Section 126)

To (name, description and address).

Whereas it has been made to appear to me that, &c., (state the proper recital, guided by Form No. 18 or Form No. 23 as the case may be) ;

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c., (as the case may be).

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 23.

Magistrate's order to prevent obstruction, riot, &c.

(Section 127)

To (name, description and address).

Whereas it has been made to appear to me that you are in possession (or have the management) of (describe clearly the property), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

Whereas it has been made to appear to me that you and a number of other persons (mention the class of persons) are about to meet and proceed in a religious procession along the public street, &c., (as the case may be), and that such procession is likely to lead to a riot or an affray;

or

Whereas, &c., &., (as the case may be);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (or, as the case recited may require).

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 24.

Magistrate's order declaring party entitled to retain possession of land, &c., in dispute.

(Section 128)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (describe the parties by name and residence or

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residence only, if the dispute be between bodies of villagers) concerning certain (state concisely the subject of dispute) situate within the local limits of my jurisdiction, all the said parties were called upon to give in written statements of their respective claims as to the fact of actual possession of the said (the subject of dispute), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (name or names or description) is true;

I do decide and declare that he is (or they are) in possession of the said (the subject of dispute) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (or their) possession in the meantime.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 25.

Warrant of attachment in the case of a dispute as to the possession of land, &c.

(Section 129)

To

Whereas it has been made to appear to me that disputes likely to induce a breach of the peace existed between (describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers) concerning certain (state concisely the subject of dispute) situate within the limits of my jurisdiction, and the said parties thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (the subject of dispute), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (the subject of dispute) (or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid);

This is to authorise and require you to attach the said (the subject of dispute) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10... .

Seal. Signature.

No. 26.

Magistrate's order prohibiting the doing of anything on land or water.

(Section 130)

A dispute having arisen concerning the right of use of (state concisely the subject of dispute) situate within the limits of my jurisdiction, the possession of which land (or water) is claimed exclusively by (describe the person or persons), and it appearing to me, on due inquiry into the same, that the said land (or water) has been open to the enjoyment of such use by the public (or if by an individual or a class of persons, describe him or them), and (if the use can be enjoyed throughout the year) that the said use has been enjoyed within three months of the institution of the said inquiry (or if the use is enjoyable only at particular seasons, say "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (the claimant or claimants of possession) or any one in their interest, shall not take (or retain) possession of the said land (or water) to the exclusion of the enjoyment of right of use aforesaid, until he (or they) shall obtain the decree or order of a competent Court adjudging him (or them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of 10... .

Seal. Signature.

No. 27.

Bond and bail-bond on a preliminary inquiry before a Police officer.

(Section 151)

I, (name), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (or on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to His Highness' Government the sum of rupees .

Dated this day of 10... .

Signature.

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for the above-said that he shall attend at , in the Court of , on the day of next (or on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (or we hereby bind ourselves) to forfeit to His Highness' Government the sum of rupees

Dated this day of 10... .

Signature.

No. 28.

Bond to prosecute or give evidence.

(Section 152)

I, (name), of (place), do hereby bind myself to attend at in the Court of , at o'clock on the day of next, and then and there to prosecute (or to prosecute and give evidence, or to give evidence) in the matter of a charge of against one A. B., and, in case

of making default herein, I bind myself to forfeit to His Highness' Government the sum of rupees .

Dated this day of 10...

Signature.

No. 29.

Warrant of commitment on a sentence of imprisonment or fine if passed by a Magistrate.

(Sections 222 and 235)

To the Superintendent (or Keeper) of the jail at .

Whereas on the day of 10... (name of prisoner) the (1st, 2nd, 3rd as the case may be) prisoner in case No. of the Calendar for 10... was convicted before me (name and official designation) of the offence of (mention the offence or offences concisely) under Section (or Sections) of the Penal Code (or of Regulation of) and was sentenced to (state the punishment fully and distinctly);

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (prisoner's name) into your custody in the said jail, together with this warrant and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of 10... .

Seal. Signature.

No. 30.

Warrant of imprisonment on failure to recover amends by distress.

(Section 227)

To the Superintendent (or Keeper) of the jail at .

Whereas (name and description) has brought against (name and description of the accused person) the complaint that (mention it concisely), and the same has been dismissed as frivolous (or vexatious), and the order of dismissal awards payment by the said (name of complainant) of the sum of rupees as amends; and Whereas the said

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n has not been paid and cannot be recovered by distress of movable property of the said (name of complainant) and an er has been made for his simple imprisonment in jail for period of days unless the aforesaid sum be sooner d ;

This is to authorise and require you, the said Superinten- nt (or Keeper), to receive the said (name) into your custody, ether with this warrant, and him safely to keep in the d jail for the said period of (term of imprisonment), subject the provisions of Section 58 of the Penal Code, unless the d sum be sooner paid, and on the receipt thereof forthwith set him at liberty, returning this warrant with an endorse- nt certifying the manner of its execution.

Given under my hand and the seal of the Court, this y of 10... .

al. Signature.

No. 31.

Summons to witness.

(Sections 49 and 229)

of

Whereas complaint has been made before me that has (or is suspected to have) com- tted the offence of (state the offence concisely with time id place) and it appears to me that you are likely to give aterial evidence for the prosecution ;

You are hereby summoned to appear before this Court the day of next at ten o'clock the forenoon, to testify what you know concerning the atter of the said complaint, and not to depart thence with- t leave of the Court; and you are hereby warned that. if ou shall without just excuse neglect or refuse to appear on e said date, a warrant will be issued to compel your tendance.

Given under my hand and the seal of the Court, this day of 10...

al. Signature.

No. 32.

Warrant of commitment under sentence of death or imprisonment for life.

(Section 278)

To the Superintendent (or Keeper) of the jail at .

Whereas at the Session held before me on the day of 10 . (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under Section of the Penal Code, and sentenced to suffer (death or imprisonment for life) subject to the confirmation of the said sentence by the High Court;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (prisoner's name) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of 10 .

Seal. Signature.

No. 33.

Warrant of imprisonment after the disposal of a referred trial by the High Court.

(Section 282)

To the Superintendent (or Keeper) of the jail at .

Whereas at a Session held on the day of 10 , (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under Section of the Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court (a duplicate of which is hereunto annexed)

punishment adjudged by the said sentence has been
uted to the punishment of imprisonment for life
s the case may be);

This is to authorise and require you, the said Superin-
nt (or Keeper), safely to keep the said (prisoner's name)
ur custody in the said jail, and there to carry into exe-
n the punishment of imprisonment under the said order
ding to law.

Given under my hand and the seal of the Court, this
day of 10 .

Seal. Signature.

No. 34.

Form of warrant of execution on a sentence of death.

In the Sessions Court of

To

The Superintendent of the Central Jail,
Trivandrum.

Whereas (full name and residence of the prisoner) the
r 2nd or 3rd, &c.) prisoner in Calendar case No.
... on my file [(Referred case or Criminal Appeal or
sion case) No of 10.. on the file of the High
t] has been duly convicted of (culpable homicide amount-
o murder or other offence) under Section of the
l Code and sentenced on the day of 10...
ffer death in (confirmation, modification or reversal) of
conviction and sentence or order of acquittal) recorded by
n the day of 10... , and whereas such
nce has been duly passed and approved as prescribed by

This is to authorise and require you, the Superintendent
e Central Jail, Trivandrum, to carry the said sentence
execution by causing the said (full name of prisoner) to
anged by the neck until he be dead on (day of week) the
and month) 10... in the place appointed by Government
he purpose at Trivandrum and to retur this warrant

to this Court with an endorsement in the Form hereto annexed certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 10...

Seal.

Signature.
Sessions Judge.

Return

.I hereby certify that the sentence of death passed on (full name of prisioner), and approved as prescribed by law, has been duly executed, and that the said (full name of prisoner) was accordingly hanged by the neck until he was dead at (place) on (day of week) the (date and month) 10... at (hour) A. M.

I further certify that the body of the said (full name of prisoner) remained hanging one hour, and the Medical officer in attendance certified complete extinction of life prior to its removal and that no accident, error or other misadventure occurred during the execution.

Place.
Date and month 10...

Signature.
Official designation.

No. 35.

Warrant to levy a fine by distress and sale.

(Section 286)

To (name and designation of the Police officer or other person or persons who is or are to execute the warrant).

Whereas (name and description of the offender) was, on the day of 10... , convicted before me of the offence of (mention the offence concisely), and sentenced to pay a fine of rupees and whereas the said (name) although required to pay the said fine, has not paid the same or any part thereof;

This is to authorise and require you to make distress by seizure of any movable property belonging to the said (name) which may be found within the District of ; and, if within (state the number of days or hours allowed) next after such distress the said sum shall not be paid (or forthwith)

l the movable property distrained, or so much thereof
ıll be sufficient to satisfy the said fine, returning this
.nt, with an endorsement certifying what you have done
it, immediately upon its execution.
ı under my hand and the seal of the Court, this
ay of 10..

Signature.

No. 36.

Form of warrant for suspension of sentence under Section 321 Crl. P. C.

n the Court of the (Sessions Judge or District Magis-
at

The Magistrate

ıereas (such a man of such a place) accused in Calendar
No. of 10... on the file of convicted by the
Magistrate of an offence under Section of (such
on the day of 10...
een sentenced to (state the sentence) and whereas on
ıppeal to this Court an order has been passed under
ɔn 321 of the Code of Criminal Procedure for (suspension
ɜ rigorous portion of the sentence of imprisonment or
lease on bail) until his appeal shall have been disposed

Zou are hereby required to (suspend the rigorous portion
ɜ sentence of imprisonment passed upon the said
ease the said on his executing a personal recog-
ıee of Rs. or finding good and sufficient bail in
sureties for Rs. each or doing both) accordingly.
Given under my hand and the seal of the Court this
day of 10...

Sessions Judge or Magistrate.

No. 37.

Warrant of commitment in certain cases of contempt when a fine is imposed.

(Section 359).

To the Superintendent (or Keeper) of the jail at

Whereas at a Court holden before me on this day (name and description of the offender) in the presence (or view) of the Court committed wilful contempt;

And whereas for such contempt the said (name of offender) has been adjudged by the Court to pay a fine of rupees , or in the default to suffer simple imprisonment for (state the number of months or days);

This is to authorise and require you, the Superintendent (or Keeper) of the said jail, to receive the said (name of offender) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10..

Seal. Signature.

No. 38

Magistrate's or Judge's warrant of commitment of witness refusing to answer.

(Section 363).

To (name and designation of officer of Court)

Whereas (name and description), being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence; and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (term of detention adjudged);

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is is to authorise and require you to take the said
n into custody and him safely to keep in your custody
'o space of days unless in the meantime he shall
ɔc ıt to be examined and to answer the questions asked of
h nd on the last of the said days, or forthwith on such
c(ıt being known, to bring him before this Court to be
d(with according to law, returning this warrant with an
e1 ement certifying the manner of its execution.

iven under my hand and the seal of the Court, this
ıy of 10...

S Signature.

No. 39.

arrant of imprisonment on failure to pay maintenance.

(Section 366)

ıe Superintendent (or Keeper) of the jail at

Whereas (name, description and address) has been proved
e me to be possessed of sufficient means to maintain his
(name) [or his child (name) who is by reason of (state the
ın) unable to maintain herself (or himself)], and to have
ɔcted (or refused) to do so, and an order has been duly
ɔ requiring the said (name) to allow to his said wife (or
l) for maintenance the monthly sum of rupees ;
whereas it has been further proved that the said (name) in
ıl disregard of the said order has failed to pay rupees
, being the amount of the allowance for
nonth (or months) of , and thereupon an order
made adjudging him to undergo simple (or rigorous)
risonment in the said jail for the period of ;

This is to authorise and require you, the said Superin-
lent (or Keeper), to receive the said (name) into your
ody in the said jail, together with this warrant and there
y the said order into execution according to law, return-

ing this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10 ..

Seal. Signature.

No. 40.

Warrant to enforce the payment of maintenance by distress and sale.

(Section 366)

To (name, designation of the Police officer or other person to execute the warrant).

Whereas an order has been duly made requiring (name) to allow to his wife (or child) for maintenance the monthly sum of rupees , and whereas the said (name) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (or months) of ;

This is to authorise and require you to make distress by seizure of any movable property belonging to the said (name) which may be found within the District of , and if within (state the number of days or hours allowed) next after such distress the said sum shall not be paid (or forthwith), to sell the movable property distrained, or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10..

Seal. Signature.

No. 41.

)nd and bail-bond on a preliminary inquiry before a Magistrate.

(Sections 373 & 376)

, (name) of (place), being brought before the Magistrate
; the case may he), charged with the offence of

and required to give security for my attendance in his
t and at the Court of Session, if required, do bind myself
tend at the Court of the said Magistrate on every day of
)reliminary inquiry into the said charge, and, should the
be sent for trial by the Court of Session, to be, and
ar, before the said Court when called upon to answer the
ge against me; and, in case of my making default herein,
id myself to forfeit to His Highness the Maha Raja's
ernment, the sum of rupees .

ed this day of 10...

Signature.

I hereby declare myself (or we jointly and severally de-
e ourselves and each of us) surety (or sureties) for the
l (name) that he shall attend at the Court of

every day of the preliminary inquiry into the offence
rged against him, and, should the case be sent for trial
:he Court of Session, that he shall be, and appear, before
said Court to answer the charge against him, and, in case
his making default therein, I hind myself (or we bind
selves) to forfeit to His Highness the Maha Rajah's
vernment, the sum of rupees .

ted this day of 10...

Signature.

No. 42.

Warrant to discharge a person imprisoned on failure to give security.

(Section 377)

To the Superintendent (or Keeper) of the jail at
(or other officer in whose custody the person is).

Whereas (name and description of prisoner) was committed to your custody under warrant of this Court, dated the day of and has since with his surety (or sureties) duly executed a bond under Section 376 of the Code of Criminal Procedure ;

This is to authorise and require you forthwith to discharge the said (name) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 43.

Form of charge alleging a previous conviction.

(Section 387)

"That he, the said , before the committing of the said offence was convicted on the day of in case No. of on the file of of the offence of punishable under Section of the Penal Code which conviction is still in full force and that he is thereby liable to enhanced punishment under Section 64 of the Penal Code."

No. 44.

Warrant of attachment to enforce a bond.

(Section 392)

To the Police officer in charge of the Police Station at

Whereas (name, description and address of person) has failed to appear on (mention the occasion) pursuant to his recognizance and has by such default forfeited to His Highness the Maha Rajah's Government the sum of rupees (the penalty in the bond); and whereas the said (name of person) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him ;

This is to authorise and require you to attach any movable property of the said (name) that you may find within the

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ict of , by seizure and detention, and, if the mount be not paid within three days, to sell the property ached or so much of it as may be sufficient to realise mount aforesaid, and to make return of what you have under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this ay of 10...

eal. Signature.

No. 45.

Notice to surety on breach of a bond.

(Section 392)

of .

Whereas on the day of 10... became surety for (name) of (place) that he should appear e this Court on the day of , bound yourself in default thereof to forfeit the sum of s to His Highness the Maha Rajah's Govern- ; and whereas the said (name) has failed to appear be- this Court, and by reason of such default you have for- l the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or sho w e, within days from this date, why payment of the sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 46.

tice to surety of forfeiture of bond for good behaviour.

(Section 392)

of .

Whereas on the day of 10... you me surety by a bond for (name) of place that he would f good behaviour for the period of and bound

yourself in default thereof to forfeit the sum of rupees to His Highness the Maha Rajah's Government; and whereas the said (name) has been convicted of the offence of (mention the offence concisely) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 47.

Warrant of attachment against a surety.

(Section 392)

To of .

Whereas (name, description and address) has bound himself as surety for the appearance of (mention the condition of the bond), and the said (name) has made default, and thereby forfeited to His Highness the Maha Rajah's Government, the sum of rupees (the penalty in the bond);

This is to authorise and require you to attach any movable property of the said (name) which you may find within the District of , by seizure and detention; and if the said amount be not paid within 3 days, to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 48.

Warrant of commitment of the surety of an accused person admitted to jail.

(Section 392)

he Superintendent (or Keeper) of the Civil jail at .

Whereas (name and description of surety) has bound self as a surety for the appearance of
e the condition of the bond) and the said
ne) has therein made default whereby the penalty men-ed on the said bond has been forfeited to His Highness Maha Rajah's Government; and whereas the said (name rety) has, on due notice to him, failed to pay the said sum how any sufficient cause why payment should not be en-ed against him, and the same cannot be recovered by at-ment and sale of the movable property of his, and an r has been made for his imprisonment in the Civil jail for cify the period);

This is to authorise and require you, the said Superinten-t (or Keeper), to receive the said (name) into your custody h this warrant and him safely to keep in the said jail for said (term of imprisonment) and to return this warrant h an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10...

eal. Signature.

No. 49.

Notice to the principal of forfeiture of a bond to keep the peace.

(Section 392)

(name, description and address).

Whereas on the day of 10... u entered into a bond not to commit, &c., (as in the bond), d proof of the forfeiture of the same has been given before e and duly recorded;

You are hereby called upon to pay the said penalty of pees , or to show cause before me within

days why payment of the same should not be enforced against you.

Dated this day of 10...

Seal. Signature.

No. 50

Warrant to attach property of the principal on breach of bond to keep the peace.

(Section 392)

To (name and designation of Police officer), at the Police Station of

Whereas (name and description) did, on the day of 10.., enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c., (as in the bond), and proof of the forfeiture of the said bond has been given before me and duly recorded ; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum ;

This is to authorise and require you to attach by seizure movable property belonging to the said (name) to the value of rupees which you may find within the District of , and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 51.

rrant of imprisonment on breach of a bond to keep the peace.

(Section 392)

uperintendent (or Keeper) of the Civil jail at .

ereas proof has been given before me and duly record- name and description) has committed a breach of the ered into by him to keep the peace, whereby he has to His Highness the Maha Rajah's Government, the rupees ; and whereas the said (name) has pay the said sum or to show cause why the said sum not be paid, although duly called upon to do so, and t thereof cannot be enforced by attachment of his property, and an order has been made for the impri- t of the said (name) in the Civil jail for the period of imprisonment);

s is to authorise and require you, the said Superin- (or Keeper) of the said Civil jail to receive the (name) ir custody, together with this warrant and him safely in the said jail for the said period of (term of imprison- and to return this warrant with an endorsement certify- manner of its execution.

ven under my hand and the seal of the Court, this ay of 10..

l. Signature.

No. 52.

it of attachment and sale on forfeiture of bond for good behaviour.

(Section 392)

Police officer in charge of the Police Station at nereas (name, description and address) did, on the y of 10..., give security by bond in the rupees for the good behaviour of (name, the principal) and proof has been given before me and ecorded of the commission by the said (name) of the of whereby the said bond has been

forfeited; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said (name) to the value of rupees which you may find within the District of and, if the said sum be not paid within , to sell the property so attached or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 53.

Warrant of imprisonment on forfeiture of bond for good behaviour.

(Section 392)

To the Superintendent (or Keeper) of the Civil jail at .

Whereas (name, description and address) did, on the day of 10..., give security by bond in the sum of rupees for the good behaviour of (name, &c., of the principal), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (name) has forfeited to His Highness the Maha Rajah's Government, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil jail for the period of (term of imprisonment);

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This is to authorise and require you, the Superintendent (or Keeper) to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 10...

Seal. Signature.

No. 54.

Heading of judgment in Calendar cases.

In the Court of

Present:— (Name of Judge or Magistrate)

(Day of week) the (date and month) 10...

Calendar case No. 10...

Complainant.	Accused.
(Name and full description)	(Name and full description)
By Vakil	By Vakil

Charge.

Section of the Regulation or Code.

Accused's plea.

Finding and sentence.

This case coming on for final hearing this day (or on the day of 10... , and having stood over for consideration till this day), the Court delivered the following

JUDGMENT.

No. 55.

Heading of judgment in Criminal Appeals.

In the Court of

Present:— (Name of Judge or Magistrate)
(Day of week) the (date and Month) 10..
Criminal appeal No. of 10...
Calendar case No. of 10... on the file of the Court.

Appellant.	Respondent.
(Name and full description and his position in the original case)	(Name and full description and his position in the original case)
By Vakil	By Vakil

Charge.
Section of the Regulation or Code.
Accused's plea in the lower Court.
Finding and sentence of the lower Court.
Result of the appeal.

This Criminal appeal coming on for hearing this day (or on the day of 10 , and having stood over for consideration till this day) the Court delivered the following

JUDGMENT.

No. 56

Form of certificates to medical witnesses.

This is to certify that of the attended this Court on in his official capacity, to give evidence on behalf of Government, being cited as a witness in Case No. in connection with certificate No. dated .

He was permitted to return on .

Place. Date.

Signature of Judge or Magistrate.

No. 57.

Form of Vakalatnama.

To.

(Name of Vakil and the Court to which he is attached)

Vakalatnama executed by (full name and description of residence) in No.

of 10... on the file of the Court of .

I hereby constitute and appoint you as my pleader in the cause and authorise you to make or do all appearance, application or act required or authorised by law to be made or done by me on my behalf and to (state fully the special powers given, if any) and I bind myself to abide by, and to confirm all acts which you may do or undertake on my behalf in the cause, in the same manner as if I had been personally present and consenting.

Date. (Signature)

(Attestation of two witnesses)

(Authentication)

(Signature)

(Official designation)

Accepted.

Date. (Signature of Vakil)

No. 58.

Statement of accused person.

The statement of aged about years, made before me , Magistrate of the Class, at , on the day of 10...

The name of the accused.

His or her father's or Karanavan's or husband's or mother's name.

His or her family name, if any.

His or her caste, religion and occupation.

His or her permanent residence in full (house, muri or karai and proverthy or adhikaram)

His or her present residence, if any.

(The fact of Rules 2 and 3 of Cir. No. 3 of 1972 being complied with)

(The momorandum required by Rules 3 and 7 of the said Circular)

(Signed) Magistrate.

(The confessional statement)

(The fact of the statement being read and additions and explanations by the accused)

(Mark or signature of accused)

(Result of the observations made under Rule 4)

(Memorandum required by Section 146)

(Signed) Magistrate.

REGULATION I OF 1063. (a)

REVENUE RECOVERY REGULATION.

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Passed by His Highness the Maha Rajah of Travancore on the 19th January 1893, corresponding to the 8th Makaram 1068.

Preamble.

A Regulation to provide for the recovery of arrears of public revenue in Travancore.

Whereas it is necessary to define the procedure for the realisation of the public revenue; We are pleased to enact as follows:—

Definitions. Interpretation of terms.

1. For the purpose of this Regulation the following terms shall have the several meanings hereinunder assigned to them:—

"Public revenue due on land."

(*a*) The term "public revenue due on land" shall include the assessment in kind or money charged on lands and payable to the Government or Sreepandaravagai, and all fees and cesses, whether in kind or money, which, whether charged on land or not, are recovered as assessment on land.

Explanation.—Pattams due on Kandukrishi and Sreepadom lands are within the meaning of this definition.

"Arrear of public revenue."

(*b*) An "arrear of public revenue" due on land is the whole or any portion of any kist or instalment of such revenue not paid on the day on which it falls due according to the kistbundi or any engagement or usage.

"Land-holder."

(*c*) The term "land-holder" shall include all holders of land liable to the payment of public revenue as defined in Clause (*a*).

Security for the public revenue.

2. The land, the buildings upon it and its products shall be regarded as security for the public revenue on such land.

Revenue to be paid to the Proverthicar or to the Tahsildar in time.

3. Subject to such Rules as our Dewan may prescribe from time to time, every land-holder shall pay to the Proverthicar or the Tahsildar or any other officer whom the Dewan may authorise in that behalf by Notification in the Government Gazette the revenue due from him on or before the day fixed for payment, and the payer shall be entitled to a receipt signed by the Proverthicar or Tahsildar or such other officer as aforesaid as the case may be, for the payment so made.

Interest on arrears of revenue.

4. Arrears of public revenue due on land shall bear interest at the rate of six per cent. per annum whenever interest is chargeable upon such arrears.

Process of recovering arrears of revenue.

5. When public revenue due on land may be in arrear, such arrear, together with interest, if any, and costs of process, may be recovered by the sale of the defaulter's movable or immovable property or both, in the manner hereinafter provided.

Procedure to be observed by the Tahsildar prior to taking coercive measures against a defaulter under this Regulation.

6. Before taking coercive measures against a defaulter under this Regulation, the following procedure shall be observed:—

(1) A written demand signed by the Tahsildar shall be served on the defaulter, specifying the amount of revenue with interest, the land on which and the date from which it is due, and requiring him to pay the same or to show cause why he should not pay the same within a time fixed therein.

(2) The service of the demand shall be in the manner prescribed in the Code of Civil Procedure for serving summonses on defendants.

(3) If the defaulter appears and objects to the claim of arrear, wholly or partly, the Tahsildar shall inquire into the objection and record a decision.

(4) An appeal shall lie from such decision to the Division Peishkar within 30 days from the date thereof.

(5) If the objection of the defaulter be set aside or the defaulter fails to appear within the prescribed time, or, appearing, fails to show cause why the arrear should not be paid by him, and no arrangement for securing payment of the same shall have been entered into to the satisfaction of the Tahsildar, the Tahsildar shall proceed to recover the arrear in the manner hereinafter provided.

Explanation.—Nothing in this Section shall preclude the Tahsildar from attaching the defaulter's property by reason only of an appeal having been preferred against his decision under Clause (4). But the appellate authority may, for sufficient cause, order the attachment to be stayed.

Rules for seizure and sale of movable property.

7. In the seizure and sale of movable property for arrears of public revenue due on land, the following Rules shall be observed:—

Clause 1. The Tahsildar may distrain the property of a defaulter either in person or by the Proverthicar or any other person specially authorised by the Division Peishkar for that purpose.

Clause 2. The distraint shall, as far as possible, be conducted in the presence of two Thadasthers who shall be required to attest the list or the inventory of the property distrained.

Clause 3. On the day on which the property may be distrained, the Tahsildar or other person making the distress shall deliver to the defaulter a list or inventory of the property distrained, endorsing thereon the name of the place where it may be lodged or kept.

Clause 4. The endorsement shall further set forth that the distrained property will be brought to public sale unless the amount with interest and all the expenses of the distress, be at once discharged.

Clause 5. When a defaulter may be absent, a copy of the list with the endorsement shall be left with some adult male member of his family living with him, or fixed at his usual place of residence or on the premises where the property may have been distrained, immediately after the distress.

Procedure when the distrainer is other than the Tahsildar.

8. When the distrainer is other than the Tahsildar, he shall transmit to the Tahsildar a copy of the inventory of the property distrained within 48 hours from the time of distraint.

Sale of property distrained.

9. The Tahsildar shall thereupon cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a list of the

property to be sold, with a notice under his signature specifying the place where, and the day and hour at which, the distrained property will be sold, and shall cause proclamation of the intended sale to be made by beat of tom-tom in the village to which the lands on which the arrear has accrued may belong and in such place or places as the Tahsildar may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of a period of 15 days from the date on which the notice may be affixed, but perishable articles which will not keep for 15 days may be sold at any time after the affixing of the notice.

Officer to conduct the sale

10. The Tahsildar may conduct the sale either in person or through the Proverthicar acting under his written authority, or through an officer appointed by the Division Peishkar and authorised by him in writing for the purpose.

Manner of sale

11. At the appointed time, the property shall be put up in one or more lots, as the officer conducting the sale may consider advisable, and shall be disposed of to the highest bidder. Where the property may sell for more than the amount of the arrear, the overplus, after deducting interest and expenses of process, shall be paid to the defaulter.

Payment of the purchase-money.

12. The property shall be paid for in ready money at the time of sale, and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full. Where the purchaser may fail in the payment of the purchase-money, the property shall be re-sold at once and the defaulting purchaser shall be liable for any loss arising from, as well as the expenses incurred on, the re-sale. Where the property may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

Re-sale.

Procedure where defaulter tenders payment of the arrear after distraint but before sale of his property.

13. Where a defaulter may tender payment of the arrear demanded, after his property may have been distrained, and before sunset on the day preceding the day fixed for the sale, together with the interest and all necessary expenses of distress, the distrainer shall receive the amount immediately, grant a receipt for the same and forthwith release the property.

Sale or disposal otherwise of crops when distrained.

14. The distrainer attaching the crops or ungathered products of the land belonging to a defaulter may cause them to be sold when fit for reaping or gathering, or, at his option, may cause them to be reaped or gathered in due season and stored in proper places until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold. When crops or products belonging to a tenant shall have been sold, it shall be lawful for such tenant to deduct the value of the crops or products so sold from any rent which may be due by him then or afterwards to the defaulter in respect of the land on which such crops or products have been grown. It shall also be lawful for a tenant, whose crops are attached for an arrear of revenue, to pay the arrear with interst, if any, and costs of process, and deduct the amount in the aforesaid manner from any rent due by him then or afterwards.

Tenant may pay arrears or terminate attachment

Distrained cattle or goods not to be used.

15. The distrainer shall not work the bullocks or cattle or make use of the goods or effects distrained; he shall provide the necessary food for the cattle or livestock and the feeding expenses shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

Officers responsible on neglect.

16. Where property distrained may be stolen or lost or damaged by reason of the necessary precautions for its due preservation not having been taken or from its having been worked or made use of, the amount of such loss or damage

shall be recoverable by process under this Regulation by the Division Peishkar from the officer whose neglect or act occasioned the loss or damage, and the amount, when recovered, shall be paid to the person damnified.

Distress levied not to be excessive.

17. The distress levied shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount of the arrears; and it shall not include

Exceptions as to distress

(a) the ordinary wearing apparel of the defaulter and his family; and

(b) his implements of husbandry and ploughing cattle.

Time of distress.

18. Distress shall be made after sunrise and before sunset and not otherwise.

Claims to property distrained and sold.

19. When any person, not being a defaulter or responsible for a defaulter, may claim a right to, or any interest in, the property distrained and the distrainer may, notwithstanding, cause the same to be sold, such claimant shall recover from the distrainer in a Court of law reasonable compensation for the loss sustained by the sale. But claims to crops upon the ground, or gathered products of the ground attached, which may be in the possession of the defaulter, whether founded upon a previous sale, mortgage or otherwise, shall not bar the prior claim of revenue due from the ground upon which such crops or product may have been grown

Revenue to be the first charge.

What places distrainer may enter or force open and enter.

20. It shall be lawful for the distrainer to enter, or if necessary, to force open and enter, any dwelling-house, cow-house, granary, godown, out-houses or other building, and he may also break open the door of any room in such dwelling-house, for the purpose of attaching property belonging to a defaulter and lodged therein:

Provided that it shall not be lawful for the distrainer to enter any dwelling-house or to attach any property or to put his seal to any door or place or break open or enter any apartments, in any dwelling-house appropriated to women, which, by the usage of the country, are considered private, except as hereinafter provided.

Procedure when property is lodged within apartments appropriated to women.

21. Where a distrainer may have reason to suppose that the property of a defaulter is lodged within any apartments appropriated to women, which, by the usage of the country, are considered private, he shall, before entering such apartments, give notice, in the presence of Thadasthers, for the removal of the women from them, and furnish means for their removal in a suitable manner, if they be women of rank or who, according to the custom of the country, cannot appear in public, and shall also immediately remove from such apartments any property belonging to the defaulter found therein, and leave them free to the former occupants.

Punishment for entry into such apartments.

22. Persons entering the apartments of women contrary to the provisions of this Regulation shall, on conviction before a Magistrate, be liable to a fine not exceeding 50 rupees, or to simple imprisonment for any period not exceeding one month.

Notice to state value of revenue in kind.

23. In the notice or demand issued under Sections 6 and 7 with reference to the revenue payable in kind, wholly or in part, its value in money shall be stated as the amount of revenue due on the land.

Attachment of immovable property.

24. The attachment of immovable property shall be effected by affixing a notice thereof to some conspicuous part of the land or building to be attached, by the Tahsildar in person or through the Proverthicar acting under his written authority or through any other official appointed by the Division Peishkar and authorised by him in writing for the purpose. The notice shall specify the amount of revenue with interest, the land on which and the date from which it is due and the party in arrear, and shall set forth that, unless the arrear with interest and expenses be paid within the date therein mentioned the land or building concerned will be brought to sale in due course of law. The notice of attachment shall be affixed in some conspicuous part of the taluk and proverthy cutcherry

and shall also be published by beat of tom-tom on the immovable property attached. The publication shall also be reported to the Division Peishkar.

Management of property attached.

25. It shall be lawful for the Division Peishkar, with the previous sanction of the Dewan, at any time during attachment, to assume the management of the immovable property attached.

Appointment of an agent.

In such cases, he shall appoint an agent, with a proper establishment of officers, to manage the property, and shall give the agent a certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property: Provided always that, where property may be too inconsiderable to admit of its being charged with the salary of an agent, it shall be committed to the care of such Revenue officer as the Division Peishkar may select, who shall be subject to all the provisions herein contained in reference to agents.

Notice of assumption of management.

26. Notice of assumption of management shall forthwith be served on the defaulter in the manner described in Clause 2, Section 6, and shall be notified by public proclamation on the property and by publication in the Government Gazette

Agent to collect rents and profits.

27. It shall be the duty of the agent, during the continuance of the management under Section 25, to collect the rents and profits due or accruing due upon the estate, according to the engagements subsisting between the defaulter and the parties holding under him, or according to established usage where no specific engagements exist.

Agent to render accounts.

The agent shall keep accounts of all his receipts and disbursements and submit the same and pay over the balance to the Division Peishkar or other officer empowered by the Division Peishkar in that behalf, whenever required, and the defaulter shall be at liberty to inspect the accounts at all reasonable times and to take copies of the same at his own expense without fee.

Surplus to go to the defaulter.

28. All sums received from the property attached, after paying the expenses of attachment and management, shall be carried to the credit of the defaulter in discharge of the arrears due and interest thereon, and as soon as all arrears, interest, costs of attachment and expense of management shall have been liquidated, the attachment shall be withdrawn and a full account rendered of all receipts and disbursements during its continuance.

Effect of existing agreements between the land-holder and tenant.

29. All engagements entered into between the land-holder and his tenants shall be binding upon the Government during attachment, but if the Tahsildar finds that any engagements have been made collusively with a view to defeat or delay the effect of the attachment, or that engagements have been entered into subsequently to attachment, he shall report such circumstances to the Division Peishkar who, if he finds reason, may declare all such engagements null and void against the Government.

Release of attachment when objected to by any other than the defaulter.

30. If, within 30 days from the date of attachment of any immovable property, any objection is made by any other than the defaulter to the attachment of the whole or any portion of such property on the ground that such property was not liable for the arrear of revenue for which the attachment was made, the Tahsildar shall inquire into such objection and report the result of such inquiry to the Division Peishkar. The Division Peishkar shall thereupon decide whether such property is liable to be attached and, in case he finds the attachment untenable, he shall forthwith direct the release of the attachment.

Persons interested in the land may obtain release from attachment.

31. It shall be lawful for any person, claiming an interest in land which has been or is about to be attached, to obtain its release by paying the arrears, interest and costs incurred; and all such sums, if paid by a tenant, may be deducted from any rent then or afterwards due by him to the defaulter, and if paid by a *bona fide* mortgagee or other incumbrancer upon the estate, shall constitute a debt from the defaulter to him and shall be a charge upon the land, but shall only take priority over other charges according to the date at which payment was made.

Rules to be observed in the sale of immovable property.

32. In the sale of immovable property under this Regulation, the following Rules shall be observed : —

Such sale to be conducted by the Tahsildar generally.

(1) All such sales shall be conducted by the Tahsildar with the previous sanction of the Division Peishkar, unless in any case the Dewan or the Division Peishkar may deem it necessary that the sale should be conducted by the Division Peishkar.

Notice of sale.

(2) Previous to the sale, the Tahsildar shall issue a notice specifying the name of the defaulter, the position, tenure and extent of land and the buildings therein ; the amount of revenue assessed on the land or upon its different sections ; the proportions of the public revenue due during the remainder of the current Malabar year, and the time, place and conditions of the sale.

The particulars thereof.

Notice to be one month before sale.

This notice shall be posted 30 days at least before the sale, in the nearest Police Station-house, the Proverthicar's and taluk cutcherries and on some conspicuous part of the land or building as the case may be.

Public auction

(3) The sale shall be by public auction to the highest bidder.

Deposit and payment of balance.

(4) A sum of money equal to 15 per cent. of the price of the land shall be deposited by the purchaser with the officer conducting the sale at the time of the purchase, and when the remainder of the purchase-money may not be paid within 30 days, the money deposited shall be liable to forfeiture.

Procedure when the party fails to make the deposit or pay the balance of the purchase-money.

(5) Where the purchaser may refuse or omit to deposit the said sum of money or to complete the payment of the remaining purchase-money, the property shall be re-sold after notice, as prescribed in Clause 3 above, at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the lands may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

Persons bidding on their own or on other's behalf.

(6) All persons bidding at a sale may be required to state whether they are bidding on their own behalf or as agents, and, in the latter case, to deposit a written authority signed by their principals. If such requisition be not complied with, their bids may be rejected.

Sale may be stayed on tendering payment of arrears and costs.

33. It shall be competent to the defaulter or to any person acting on his behalf or claiming any interest in the land, to tender the full amount of the arrears of revenue with the interest thereon and all charges which have been incurred in demanding the arrears or in attaching or managing the estate or in taking the steps necessary for sale, and thereupon the sale shall be stayed:

Provided always that such tender must be made before the lot is knocked down and all sums so paid by any tenant or *bona fide* mortgagee or other incumbrancer may be recovered by the payer in the manner provided in Section 31.

Sale by Tahsildar to be reported to the Division Peishkar.

34. (1) Where a sale of immovable property has been conducted by a Tahsildar, he shall, as soon as may be after the conclusion of the sale, report the result thereof to the Division Peishkar.

(2) At any time within thirty days from the date of such sale, application may be made to the Division Peishkar to set aside the sale on the ground of some material irregularity or mistake or fraud in publishing or conducting it; but, except as otherwise is hereinafter provided, no sale shall be set aside on the ground of any such irregularity or mistake unless the applicant proves to the satisfaction of the Division Peishkar that he has sustained substantial injury by reason thereof.

(3) If the application be allowed, the Division Peishkar shall set aside the sale and may direct a fresh one.

(4) On the expiration of thirty days from the date of the sale, if no such application is made, or if such application has been made and rejected, the Division Peishkar shall make an order confirming the sale: Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made or

on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reason in writing, set aside the sale.

(5) Whenever the sale of any lands is not so confirmed or is set aside, the deposit or the purchase-money, as the case may be, shall be returned to the purchaser.

(6) After the confirmation of any such sale, the Division Peishkar shall register the lands sold in the name of the person declared to be the purchaser, and shall execute and grant a certificate of sale bearing his seal and signature to such purchaser.

Such certificate shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase in all Courts and tribunals where it may be necessary to prove the same; and no proof of the Division Peishkar's seal or signature shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

Name and title of such purchaser to be published.

35. Before the issue of the certificate referred to in Section 34, the Tahsildar shall publish, in the villages in which the lands sold are situated and in the Proverthicar's cutcherrry, the name of the purchaser and the date of the purchase, together with a declaration of the lawful succession of such purchaser to all the rights and property of the former land-holder in the said lands.

Such purchaser to be put in possession by Civil Court if necessary.

36. Where, notwithstanding such publication, any lawful purchaser of land may be resisted and prevented from obtaining possession of his purchased land, the Division Peishkar, on application and production of the certificate of sale provided for by Section 34, shall cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the purchased lands had been decreed to the purchaser by a decision of a Civil Court.

For purposes of this Section the Division Peishkar may exercise all the powers of a Civil Court under the Code of Civil Procedure.

Certificates of sale to be registered

37. All certificates issued under Section 34 shall be registered under Regulation I of 1042 at the cost of the parties to whom they are issued.

Contracts of existing tenants to hold good with purchaser also.

38. All contracts entered into by the defaulter with his tenants and all payments to him by them shall be binding upon the purchaser to the same extent and under the same conditions as laid down in Section 29.

Revenue officials not responsible for incumbrances on the lands sold.

39. All lands brought to sale on account of arrears of revenue due thereon shall be sold free of all incumbrances and, if any balance shall remain after liquidating the arrears, interest and the expenses of attachment and sale and other costs due in respect of such arrears, it shall be paid over to the defaulter unless such payment be prohibited by the injunction of a Court of competent jurisdiction

Defaulter entitled to recover arrears of rent due on day of sale.

40. Arrears of rent which, on the day of sale, may be due to the defaulter from his under-tenants, shall, in the event of the sale, be recoverable by him, after the sale, by any process which might have been used by him for that purpose before the said sale.

Lands sold to be proportionate to arrears due.

41. It shall be lawful to the Division Peishkar or Tahsildar to attach or sell the whole or any portion of the land of a defaulter for the recovery of arrears of revenue, provided always that no larger portion of the land shall be attached or sold than may be sufficient to discharge the arrears with interest and expenses of attachment and sale.

Apportionment of assessment when part only of a single property is sold

42. Where only a part of a property, bearing a single number in the account subject to the payment of a lump assessment, may be sold, the assessment upon such part shall be apportioned by the Division Peishkar previous to sale, under such Rules as Our Dewan, with Our sanction, may, by Notification in the Gazette, from time to time, prescribe.

Security before postponement of sale.

43. If, at any time before the lot is knocked down, a defaulter tenders security, it shall be lawful for the officer conducting the sale to accept the security and postpone the sale of the defaulter's property upon such conditions and until such time as he may appoint; in the event of default

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being made in the performance of such conditions, such officer may enforce the security subject to the provisions of Section 45.

The security bond shall be in duplicate, one of which shall be kept in the custody of the officer conducting the sale and the other shall be forwarded forthwith to the Division Peishkar.

The security bonds given under this Section shall be exempt from stamp duty.

Postponement of sale.

44. The officer conducting a sale may, for sufficient reasons, which shall be recorded, postpone the sale to a subsequent day.

Whenever a sale is postponed under this Section, a fresh proclamation of the intended sale shall be published in the manner provided in Section 9 or 32, as the case may be.

Sureties liable for the arrears as well as the principals.

45. All the remedies prescribed by this Regulation in case of revenue defaulters may be employed against their sureties, and it shall be lawful for the Tahsildar or the Division Peishkar, as the case may be, to enforce the same simultaneously with, or either previously or subsequently to, their enforcement against the principals; so, nevertheless, that no more than the total sum of arrears with interest, costs and charges shall be realised from both.

Batta to persons serving processes.

46. Persons employed in serving notices, or other processes under this Regulation shall be entitled to batta at such rates as may, from time to time, be fixed by the Dewan with Our sanction and published in the Gazette, and such batta shall be treated as part of the costs.

Who to bear expense of countermanded sale.

47. Where property, having been attached or distrained, may be ordered to be put up for sale and the sale may be countermanded, the defaulter shall, nevertheless, be responsible for the expenses incurred in consequence of the attachment or distraint in the same manner as if the sale had taken place; in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the process under which the original demand would have been recoverable.

Procedure when a defaulter or his surety resides or holds property in another taluk.

48. When a defaulter or his surety may hold property out of the taluk wherein default has been made, the Tahsildar of the taluk in which such defaulter or surety holds property shall, on the written application of the Tahsildar in whose taluk such default has been made, proceed in all respects against the property of the defaulter or surety or both in the same manner as if the default had been made in his own taluk. Every such application shall be signed and sealed by the Tahsildar making it and shall be conclusive as to the amount due and the party in arrear in all proceedings against the Tahsildar acting upon such application, or any person acting under his authority, and no proof of the seal or signature or official character of the Tahsildar making the application shall be required unless the Court shall see reason to doubt its genuineness:

Saving right of any party to sue Tahsildar.

Provided always that nothing herein contained shall affect the right of any party to sue, in his own District, the Tahsildar who made the application.

In such cases, the Peishkar of the Division, who is the superior officer of the Tahsildar taking proceedings on the written application of a Tahsildar of another Division, shall exercise all the powers which may be exercised by the Peishkar of the Division in which the default was made.

When and how salaries and debts of defaulters may be attached.

49. If no other property of the defaulter is available for the recovery of arrears of revenue, the salaries and debts due to him may be attached and realised for the recovery of any arrear due from him in the manner and to the extent provided for attachment and realisation of debts and salaries in the Code of Civil Procedure.

Dewan's powers of revision.

50. The Dewan may, for sufficient reason, revise any orders passed, or proceedings taken, by a Division Peishkar, Tahsildar or Proverthicar, under the provisions of this Regulation:

Notice necessary.

Provided that no order shall be passed under this Section without previous notice to the party to be affected by such order.

Saving of rights to sue.

51. [Nothing in this Regulation shall be held to prevent parties, deeming themselves aggrieved by any decision or order passed or proceedings taken, under this Regulation, for arrears due or alleged to be due from such parties, from suing the Government in the Civil Courts:

Limitation.

Provided that such suits shall be preferred within one year from the time at which the cause of action arose:

Provided further that the whole time occupied by the Dewan in revising the proceedings under Section 50 shall be excluded from the computation of the period of limitation of the said one year.] *(a)*

Questions as to rate or amount of assessment not to be considered by a Civil Court.

52. No Civil Court shall take into consideration or decide any question as to the rate of land-revenue payable to the Government or as to the amount of assessment fixed, or to be hereafter fixed, on the portions of a divided estate.

Judgment-creditor of the defaulter may pay arrears.

53. Whenever any land, which is under attachment in execution of a decree of a Civil Court, is attached under this Regulation for arrears of revenue due on such land, the judgment-creditor at whose instance the Civil Court attached the property may pay the arrears of public revenue and expenses of the revenue attachment to the Tahsildar; and add the amount so paid to the judgment-debt and recover it as such. The Tahsildar shall grant a receipt under his signature and seal and it shall be conclusive evidence of such payment. Upon such payment, the revenue attachment shall be withdrawn.

Punishment for the removal of distrained property.

54. Whoever, knowing that any movable property is under distraint, removes such property without the permission of the distrainer, shall, on conviction before a Magistrate, be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Liability of agent to suit or prosecution.

55. When the property of a defaulter has been placed under the management of an agent, it shall be lawful for the defaulter to proceed by prosecution or suit against that agent in respect of any criminal or illegal act done by him to the injury of the defaulter or his estate, and all tenants

(a) Substituted by Regulation III of 1087

or other persons holding by a subordinate title shall have the same remedies against him as they would have had against the defaulter if the act were done by the defaulter.

Private alienation of the attached property void.

56. When an attachment has been duly made under the provisions of this Regulation, any private alienation of the property attached, whether by sale, gift, mortgage or otherwise, during the continuance of the attachment, shall be void as against the Government.

Payments by tenants of the lands whose management is assumed.

57. All payments, on account of rent or profits actually due, made before public notice of assumption of management, to or on behalf of any land-holder by any person holding under him, shall be valid against the Government, and all such payments made after public notice of such assumption, or made before they were actually due, shall be null and void against the Government, who shall be entitled to recover as arrears of rent the full amount from the parties by whom it was paid, leaving them to sue the defaulter in the ordinary Courts of law.

Investiture of powers.

58. Our Government may, by Notification in the Gazette, authorise any officer by name to exercise all or any of the powers conferred by this Regulation on Division Peishkars, Tahsildars or Proverthicars.

The provisions of the Regulation applicable to the recovery of certain arrears of revenue and advances other than land-revenue.

59. All arrears of public revenue due to Government other than land-revenue and all advances made by Government for cultivation or other purposes connected with the revenue, or for providing labour or supplies, which arrears or advances are, according to a written engagement or usage, recoverable in the same manner as arrears of land-revenue, may be recovered under the provisions of this Regulation.

Who shall not bid at revenue sales.

60. No officer having in his official capacity any duty to perform in connection with any sale under this Regulation shall, either directly or indirectly, bid for, acquire, or attempt to acquire any interest in any property sold at such sale.

Commencement.

61. This Regulation shall come into force from the 1st Vycausi 1068.

Rules under Sections 42 and 46 of Regulation I of 1068, passed by the Government under date the 21st November 1893.

1. Where only a part of a property bearing a single *Oluqu* number or a single Survey number has to be sold, the tax on such part shall be in the same proportion to the whole demand as the part bears to the entire area.

(*a*) The apportionment of the tax should be with reference to what is entered in the *Ayacut* figure or Settlement *Patta*. The entry in the *Thandapere*, if it is found to vary, should not be used.

(*b*) When the revenue on gardens as fixed at the present Settlement has to be apportioned, it should be the sum total of the ground and tree-rates taken together.

(*c*) Where the property to be sold in part is on the *Payattupattom* tenure and is found to contain taxable trees at the time of sale, the apportionment should be confined to the *Payattupattom* tax. No fresh assessment shall be made on account of the trees.

(*d*) Subject to the provisions of the Regulation, all possible care should be taken to avoid the splitting up of the entire *Oluqu* or Survey numbers for purposes of sale.

2. The following rates of batta shall be charged for service of processes under this Regulation—the distance being calculated from the taluk cutcherry to the places of residence of the persons served with the processes:—

Four chuckrams for every five miles or for every fraction thereof. Two chuckrams for every additional five miles or any fraction of that distance.

REGULATION II OF 1068. *(a)*

THE FOREST REGULATION, 1068.

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Passed by His Highness the Maha Rajah of Travancore on the 19th January 1893, corresponding to the 8th Makaram 1068.

A Regulation to make better provision for the protection and management of Our forests.

Preamble. Whereas it is expedient to consolidate, amend and define the law for the protection and management of Our forests; We are pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement. 1. This Regulation may be called "The Travancore Forest Regulation of 1068", and it shall come into force on the 1st Auvany 1069.

Interpretation Clause. 2. In this Regulation, and in all Rules made hereunder, unless there is something repugnant in the subject or context,—

"Division Peishkar." (*a*) "Division Peishkar" means the chief executive Revenue officer of a Division;

"Forest officer." (*b*) ["Forest officer" means any person appointed by name or as holding an office by or under the orders of Our Government to be a Conservator, Deputy Conservator, Assistant Conservator, Divisional Forest Officer, Ranger, Deputy Ranger, Forester, a Timber Depot Officer, Forest Guard, Watcher, Watch Pillay, Peon, or to discharge any function of a Forest officer under this Regulation or any Rule made hereunder;] (*a*)

["Divisional Forest Officer" means the chief Forest officer of a Division or a portion or portions of one or more Divisions if in independent charge of such portion or portions, when they are constituted into a Forest Division;] (*b*)

"Forest produce." (*c*) "forest produce" includes the following things when found in, or brought from, a forest, that is to say, minerals (including limestone and laterite), surface soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, galls, spices, juice,

(*a*) Amended by Regulation IX of 1085.
(*b*) Added by Regulation IX of 1085.

catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey and wax, skins, tusks, bones, horns, teeth, [claws] (*a*) and silk;

"Tree." (*d*) "tree" includes palms, bamboos, stumps, brushwood and canes;

"Timber." (*e*) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not;

"Forest offence" (*f*) "forest offence" means an offence punishable under this Regulation [or any Rule or Rules passed thereunder] (*a*);

"Cattle." (*g*) "cattle" includes elephant, camels, buffaloes, [cows, bulls, calves, heifers,] (*a*) horses, mares, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

"River." (*h*) "river" includes streams, canals, backwaters, creeks, and other channels, natural or artificial;

"Land at the disposal of Government." (*i*) "land at the disposal of Government" includes all unoccupied land, [all temporarily occupied land and all land occupied without permission,] (*a*) whether assessed or unassessed; but does not include land, the property of landholders, such as Jenmies, Devaswoms, or holders of Inam lands; also all [holdings] (*b*) of land in any way subject to the payment of land-revenue direct to Government, and all other registered [holdings] (*b*) of land in proprietory right;

"Magistrate." (*j*) "Magistrate" means a Magistrate of the First or Second Class and includes a Magistrate of the Third Class when he is specially empowered by Government to try forest offences; and

"Imprisonment." (*k*) "imprisonment" means imprisonment of either description as defined in the [Travancore] (*b*) Penal Code.

CHAPTER II.

RESERVED FORESTS.

Power to reserve forests. 3. The Dewan, with Our sanction, may constitute any land at the disposal of Our Government a Reserved Forest in the manner hereinafter provided.

(*a*) Added by Regulation IX of 1085.
(*b*) Substituted by Regulation IX of 1085.

Notification by Our Government.

4. When it is proposed to constitute any land a Reserved Forest, the Dewan shall publish a Notification in Our Government Gazette—

(*a*) specifying, as nearly as possible, the situation and limits of such land;

(*b*) declaring that it is proposed to constitute such land a Reserved Forest; and

(*c*) appointing an officer (hereinafter called the Forest Settlement officer) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person, in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this Regulation.

The officer appointed under Clause (*c*) of this Section shall ordinarily be a person other than a Forest officer; but a Forest officer may be appointed by the Dewan to attend, on behalf of Our Government, at the inquiry prescribed by this Chapter.

Suits barred.

5. Except as hereinafter provided, no Civil Court shall, between the dates of the publication of the Notification under Section 4 and of the Notification to be issued under Section 18, entertain any suit against Government to establish any right in or over any land or to the forest produce of any land included in the Notification published under Section 4.

Proclamation by Forest Settlement officer.

6. When a Notification has been issued under Section 4, the Forest Settlement officer shall publish in Our Government Gazette and at the head-quarters of each taluk in which any portion of the land included in such Notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(*a*) specifying, as nearly as possible, the situation and limits of the land proposed to be included within the Reserved Forest,

[(*b*) setting forth the substance of Section 7,

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest, and

(*d*) fixing a period not less than three and not exceeding six months from the date of publishing such proclamation in Our Government Gazette, and requiring every person claiming any right referred to in Section 4, either to present to such officer, within such period, a written notice specifying, or to appear before him within such period and state, the nature of such right, and in either case, to produce all documents and other evidence in support thereof.

The Forest Settlement officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a Reserved Forest, or on his recognised agent or manager. Such notice may be sent by registered Post or Anchal.] (*a*)

Bar of accrual of forest rights.

7. During the interval between the publication of such proclamation and the date fixed by the Notification under Section 18,

no right shall be acquired in or over the land included in such proclamation, except under a grant or contract in writing made or entered into by or on behalf of Our Government, or by or on behalf of some person in whom such right or power to create the same was vested when the proclamation was published, or by succession from such person,

Prohibition of clearings, &c.

and no fresh clearings for cultivation or for any other purpose shall be made on such land, [nor shall any person set fire to such land or kindle or leave burning any fire in such manner as to endanger the same.] (*b*)

[No Patta shall, without the previous sanction of Our Dewan, be granted on behalf of Our Government for such land or any portion of it, and every Patta granted without such sanction shall be null and void.] (*c*)

Nothing in this Section shall be deemed to prohibit any act done with the permission in writing of the Forest Settlement officer.

(*a*) Substituted by Regulation IX of 1085.
(*b*) Added by Regulation IV of 1071.
(*c*) Added by Regulation IX of 1085.

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Inquiry by Forest Settlement officer.

8. When a claim has been preferred under Clause (*d*) of Section 6, the Forest Settlement officer shall inquire into such claim, recording all statements and the evidence in the manner prescribed by the Code of Civil Procedure for the time being in force in appealable cases.

He shall, at the same time, consider and record any objection which the Forest officer (if any) appointed under Section 4 may make to any such claim.

He shall also inquire into and record the existence of any rights mentioned in Section 4 and not claimed under Section 6, so far as they are ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest Settlement officer.

9. For the purpose of such inquiry, the Forest Settlement officer may exercise the following powers (that is to say):—

(*a*) power to enter by himself or any officer authorised by him for the purpose upon any land, and to survey, demarcate and make a map of the same, and

(*b*) the powers conferred on a Civil Court by the Code of Civil Procedure for the time being in force for compelling the attendance of witnesses and the production of documents

Order on closing of inquiry.

10. When the inquiry is completed, the Forest Settlement officer shall pass an order specifying the particulars of such claim and admitting or rejecting it wholly or in part.

When the claim admitted relates to any of the following rights:—

(*a*) a right of way;

(*b*) a right to a water-course, or to a use of water;

(*c*) a right of pasture;

(*d*) a right to forest produce;

[and] (*a*) if [such] (*b*) right is for the beneficial enjoyment of any land or building, he shall record the designation, position and area of such land, and the designation and position of such building.

(*a*) Added by Regulation IX of 1085.

(*b*) Substituted by Regulation IX of 1085.

[Where the right is a right to forest produce, he shall also record whether the forest produce obtained by the exercise of such right may be sold or bartered.] (*a*)

Appeals from orders of Settlement officers.

11. An appeal shall lie from the order referred to in Section 10 to the Zillah Court within whose jurisdiction the subject-matter is situated, in cases in which the value of the subject-matter does not exceed Rs. 500. In other cases, the appeal shall lie to the High Court :

Provided that no appeal shall lie against an order rejecting a claim on the ground that it was preferred after the period specified in Section 6.

Period within which appeals should be preferred.

12. The appeal, if any, shall be preferred within 3 months from the date of the order so appealed against.

Forest Settlement officer to carry out the Appellate Court's order.

13. If the order is reversed or modified in appeal or revision, the Forest Settlement officer shall proceed to deal with it in like manner as if it had been in the first instance made by himself.

Forest Settlement officer to report result of inquiry.

14. When the following events have occurred, *viz.* :—

(*a*) The period fixed under Section 6 for preferring claims has elapsed, and no claim has been preferred ; (*b*) all claims made within such period have been disposed of by the Forest Settlement officer; (*c*) the period fixed by Section 12 for appealing from the orders passed on such claims has elapsed ; and (*d*) an appeal (if any) presented within such period has been disposed of by the appellate authority ;

the Forest Settlement officer shall submit to the Dewan a report stating that no claims have been preferred, or setting forth the claims which have been finally admitted or rejected, as the case may be.

Procedure by the Dewan in regard to admitted claims.

15. When the claim admitted relates to the rights of the kind other than those specified in Clauses *(a)*, *(b)*, *(c)* and *(d)* of Section 10, the Dewan may (1) come to an agreement with the claimant for the surrender of the right, or (2) exclude the land from the limits of the proposed reserve, or (3) proceed to acquire such land according to the law for the time being in force for the acquisition of land for public purposes.

(*a*) Added by Regulation IX of 1985.

Claims to rights of way, &c.

16. When the claim admitted relates to a right of way or to a water-course, or to a use of water, the Dewan shall either come to an agreement with the claimant for the surrender of the right or pass an order admitting such right and providing for the exercise of such right.

Provision for rights of pasture or to forest produce admitted.

17. When the claim admitted relates to a right of pasture or to forest produce, the Dewan shall either come to an agreement with the claimant for the surrender of such right or provide for the exercise of such right,

(*a*) by altering the limits of the proposed Reserved Forest so as to exclude land of sufficient extent of a suitable kind and in a locality reasonably convenient for the purposes of the claimant,

(*b*) by recording an order continuing to the claimant a right of pasture or to the forest produce (as the case may be) subject to such Rules as may be prescribed by the Dewan.

The order passed under Clause (*b*) shall record, as far as practicable, the number and description of cattle which the claimant is from time to time entitled to graze, the local limits within which and the seasons during which such pasture is permitted, or the quantity of timber or other forest produce which the claimant is authorised to take or receive, the local limits within which, the season during which and the mode in which the taking of such produce is permitted, and such other particulars, as may be required in order to define the extent of the right which is continued and the mode in which it may be exercised.

Notification declaring forests reserved.

18. When the proceedings prescribed in the preceding Sections have been taken, Our Dewan may publish a Notification in Our Government Gazette specifying the limits of the forest which it is intended to reserve and declaring the same to be reserved from a date to be fixed by such Notification.

Copies of the Notification shall also be published at the head-quarters of each taluk in which any portion of the land included in such Notification is situate and in every town and village in the neighbourhood of such land.

From the date so fixed the forest shall be deemed to be a "Reserved Forest."

Extinction of rights not claimed.

[18 A. Rights in respect of which no claim has been preferred under Section 6, shall thereupon be extinguished, unless, before the publication of such Notification, the person claiming them has satisfied the Forest Settlement officer that he had sufficient cause for not preferring such claim within the period fixed under Section 6, in which case, the Forest Settlement officer shall proceed to dispose of the claim in the manner hereinbefore provided.

Rights continued under Section 17 not to be alienated without sanction.

18 B. Notwithstanding anything herein contained, no right continued under Section 17 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Our Dewan: Provided that, when any such right is continued for the beneficial enjoyment of any land or buildings, it may be sold or otherwise alienated with such land or buildings, without such sanction.

Any alienation of right in contravention of this Section shall be null and void.

No forest produce obtained in exercise of any right continued under Section 17 shall be sold or bartered, except to the extent defined by the order recorded under Section 17.

Any person selling or bartering any forest produce in contravention of this Section shall be punished with fine which may extend to Rs. 200.

Power to stop ways and water-courses in Reserved Forest.

18 C. The Conservator may, from time to time, with the previous sanction of Our Government, stop any public or private way or water-course in a Reserved Forest, provided that a reasonably convenient substitute for the way or water-course so stopped already exists or has been provided or constructed in lieu thereof.] *(a)*

No right acquired over Reserved Forest except as here provided.

19. No right of any description shall be acquired in or over a Reserved Forest except under a grant or contract in writing made by [Our Dewan] *(a)* on behalf of Government or some person in whom such right or the power to create such

(a) Added by Regulation IX of 1085.

right was vested when the Notification under the above Section was issued or by succession from such person:

[Provided that no Patta shall, without Our Dewan's previous sanction, be granted on behalf of Government for any land included in a Reserved Forest, and every Patta granted without such sanction shall be null and void.] *(a)*

Power to declare forest no longer reserved.

20. The Dewan may, with Our sanction, by Notification in the Gazette, direct that, from a date to be fixed by such Notification, any forest or any portion thereof reserved under this Regulation shall cease to be reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been exinguished therein shall not revive in consequence of such cessation.

Penalties for trespass or damage in Reserved Forest and acts prohibited in such forests.

21. Any person who

(a) makes any fresh clearingprohibited by Section 7; [or] *(b)*

(b) [sets fire to a Reserved Forest, or a Forest proposed to be reserved under Section 6, or kindles or leaves burning any fire in such manner as to endanger the same;

or who, in a Reserved Forest,] *(c)*

[*(b)* (1) kindles, keeps or carries any fire, except at such seasons and in such manner as the Conservator may, from time to time, notify;] *(a)*

(c) trespasses or pastures cattle or permits cattle to trespass;

(d) fells, girdles, marks, [taps] *(a)*, lops, tops, uproots or burns any tree or strips off the bark or leaves from or otherwise damages the same;

(*e*) quarries stone, burns lime or charcoal, or collects or subjects to any manufacturing process or removes any forest produce;

(f) clears, cultivates or breaks up any land for cultivation or any other purpose;

(*a*) Added by Regulation IX of 1085

(*b*) Added by Regulation IV of 1071.

(*c*) Substituted by Regulation IV of 1071.

(*g*) in contravention of any Rules made by Our Government, hunts, shoots, fishes, poisons water or sets traps or snares;

(*h*) damages, alters or removes any wall, ditch, embankment, fence, hedge or railing; or

(*i*) sets fire to jungles or forests other than Reserved Forests without taking precautionary measures to prevent the spread of fire into such Reserved Forests;

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

[If any agricultural or other crop is grown in contravention of Clause (*f*) of this Section and any person is convicted for that offence, such crop shall be liable to confiscation by order of the convicting Magistrate.] (*a*)

Nothing in this Section shall be deemed to prohibit

(*a*) any act done in accordance with any Rule made by the Government or with the permission in writing of the Conservator of Forests or of an officer authorised by him to grant such permission; or

[(*b*) the exercise of any right continued under Section 17 or created by grant or contract in the manner described in Section 19:

Provided that this Section shall not be held to interfere with such working of the forest as may be ordered by the Conservator.] (*b*)

Persons bound to assist Forest officer and Police officer.

[21 A. Every person who exercises any right in a Reserved Forest or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every village officer or person in any village contiguous to such forest, who is employed by Government, shall be bound to furnish, without

(*a*) Added by Regulation IV of 1089.

(*b*) Added by Regulation IX of 1085.

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unnecessary delay, to the nearest Forest officer or Police Station-house officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to commit any forest offence, and shall assist any Forest officer or Police officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest,

(*b*) in preventing any fire which may occur in the vicinity of such forest, from spreading to such forest,

(*c*) in preventing the commission in such forest of any forest offence, and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.] *(a)*

CHAPTER III.

PROTECTION OF LAND AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED FORESTS.

Power to make Rules.

22. Subject to all rights now vested in individuals and communities by law or custom or usage having the force of law, Our Government may make Rules to regulate the use of the pasturage or of the natural produce of any land at the disposal of Government and not included in a Reserved Forest. Such Rules may, with respect to such land,—

(*a*) regulate or prohibit the clearing or breaking up of land for cultivation or other purposes ;

(*b*) regulate or prohibit the kindling of fires and prescribe the precautions to be taken to prevent the spreading of fires ;

(*c*) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber and the collection and removal of natural produce ;

(*d*) regulate or prohibit the quarrying of stone, the boiling of catechu, the burning of lime or charcoal or the distilling of essential oils ;

(*a*) Added by Regulation IX of 1085.

(*e*) regulate or prohibit the cutting of grass and pasturing of cattle and regulate the payments (if any) to be made for such cutting or pasturing ;

(*f*) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares ;

[(*g*) regulate the sale or free grant of timber or other natural produce ; and

(*h*) prescribe the fees, royalties or other payments for timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied.] (*a*)

And whoever commits an infringement of any of those Rules shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to one month, or to fine which may extend to one hundred rupees, or to both.

[If any agricultural or other crop is grown in contravention of the Rules framed under Clause (*a*) of this Section and any person is convicted for that offence, such crop shall be liable to confiscation by order of the convicting Magistrate :] (*a*)

Provided that Our Government may exempt any person or class of persons from the operation of all or any of these Rules.

Power to close land against pasture.

23. Whenever fire is caused wilfully or negligently in any land to which all or any of the Rules made under Section 22 have been extended, the Dewan may, notwithstanding that a penalty has been inflicted under that Section, direct that such land be closed against pasture for such period as he thinks fit :

Provided that an area sufficient in extent and in a locality reasonably convenient, is left open for the use of persons having rights of pasture in such land.

Penalties.

24. Whoever pastures cattle or permits cattle to trespass in land closed under Section 23 shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(*a*) Added by Regulation IX of 1085.

CHAPTER IV.

OF THE CONTROL OVER FORESTS AND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAVE A LIMITED INTEREST.

On certain lands, the breaking up or clearing for cultivation, &c., may be regulated or prohibited.

25. Our Government may, from time to time, by Notification in the Gazette, regulate or prohibit in any forest or waste land not at the disposal of Government—

(*a*) the breaking up or clearing of land ; or

(*b*) the firing or clearing of vegetation ;

when such regulation or prohibition appears to be necessary for any of the following purposes :—

first—for protection against storms, winds, rolling stones, floods and landslips ;

second—for the preservation of the soil on the ridges and slopes, and in the valleys of hilly tracts, the prevention of landslips and of the formation of ravines and torrents and the protection of land against erosion or the deposit thereon of sand, stones or gravel ;

third—for the maintenance of a water supply in springs, rivers and tanks ;

fourth—for the protection of roads, bridges, canals and other lines of communication ;

fifth—for the preservation of the public health ;

and may alter or cancel such Notification.

The Government may, for any such purpose, construct, at their own expense, in or upon any such forest or land, such works as they think fit:

Provided that no such Notification shall be made or work begun until after the issue of a notice to the owner of such forest or land calling upon him to show cause, within a reasonable period to be specified in such notice, why such Notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf and have been considered by the Government.

In case of refusal by owner, Government may take such lands on lease or acquire them.

26. Whenever the owner of such forest or land may decline to comply with the regulations or directions contained in the said Notification, it shall be incumbent upon the Government, if they resolve to assume control of the said forest or land, to take the said forest or land, or so much of it as they may see fit, on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound either to conclude such lease with the Government or to require that such forest or land shall be acquired for public purposes and, in the latter event, the Government shall acquire such forest or land accordingly. If such lease is agreed upon, the amount of annual rent to be reserved and all other questions arising between the owner or persons claiming to be owners and the Government shall, in case of dispute, be determined [so far as may be in accordance with the provisions of the Land Acquisition Regulation for the time being in force,] (*a*) by any officer appointed by Government on that behalf subject to an appeal to the Zillah Court.

Acquisition of forest or land under the Rules in force for the acquisition of land for public purposes.

27. In any case under this Chapter in which the Government consider that, in lieu of taking the forest or land under their control, the same should be acquired for public purposes, the Government may proceed to acquire it in tho manner prescribed by the law in force for the acquisition of land for public purposes.

Protection of forests at request of owners.

28. The owner of any land or, if there be more than one owner thereof, the owners of shares therein, whether divided or not, amounting in the aggregate to at least two-thirds thereof, may, with a view to the formation or conservation of forests thereon, represent in writing to the Conservator of Forests their desire—

(*a*) that such land be managed on their behalf by a Forest officer as a Reserved Forest on such terms as may be agreed upon ; or

(*b*) that such land be managed, subject to the control of the Conservator of Forests, by a person appointed by themselves and approved by the Conservator of Forests ; or

(*a*) Added by Regulation IX of 1085.

(*c*) that all or any of the provisions of this Regulation or Rules made thereunder be applied to such land.

The Government may in any such case, by a Notification in the Gazette, apply to such land such provisions of this Regulation as they think suitable to the circumstances thereof and as may be desired by the applicants.

Any such Notification may be altered or cancelled by a like Notification.

Management of forests, the joint property of Government and other persons.

29. If the Government and any person or persons are jointly interested in any forest or waste land or in the whole or any part of the produce thereof, the Government may either—

(*a*) undertake the management of such forest, waste land or produce, accounting to such person for his interest in the same, or

(*b*) issue such Rules for the management of the forest, waste land or produce by the persons so jointly interested as they deem necessary for the management thereof and the interests of all parties therein.

When the Government undertake under Clause (*a*) of this Section the management of any forest, waste land or produce, they may, by Notification in the Gazette, declare that any of the provisions contained in Chapters II and III of this Regulation shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

Persons employed to carry out the Regulation to be deemed Forest officers.

30. All persons employed under Sections 26, 28 and 29 to carry out the provisions of this Regulation shall be deemed to be Forest officers within the meaning of this Regulation.

CHAPTER V.

FOREST PRODUCE.

Royalties.

31. Trees of the following species, that is to say, teak, blackwood, ebony and sandalwood and ivory of wild elephants, whether grown or found on Government land or private property, are royalties, and no trade shall be carried on in them unless they have been duly obtained from Our Government.

The trees above named cannot be felled by any person without the written permission of the Conservator of Forests or such other officer as may be authorised by him in writing, but the owner of any private property on which a teak, blackwood, ebony or sandalwood tree is standing, may, after obtaining written permission from the Conservator of Our forests or other officer authorised by him as aforesaid, and on such terms as Our Government may decide, fell any such tree for his private use; and when any such tree is removed from such property on account of Government, the owner shall be entitled to a payment at rates which Our Government may from time to time determine.

Reserved trees.

32. The Dewan may, from time to time with Our sanction, notify in Our Government Gazette the names of other trees which shall not be felled without the permission in writing of the Conservator of Forests or of an officer authorised by him in writing on that behalf when found standing in forests or on other land at the disposal of Our Government, or on land not permanently assessed to public revenue; and any tree once reserved may, by Notification in Our Governmont Gazette, be excluded from that category.

Such trees shall be known as "Reserved trees."

Framing of Rules by Dewan.

33. It shall be lawful for Our Dewan to frame and publish with Our sanction Rules—

(1) for regulating or prohibiting the felling, lopping, cutting, maiming or otherwise maltreating of any tree which is a royalty or of any reserved tree, [or any other tree standing on land temporarily or permanently assigned, the right of Government over which has been expressly reserved in the deed of grant or assignment of such land;] (a)

(2) prescribing the routes by which alone timber and forest produce may be moved within or exported from the State of Travancore;

(3) prohibiting the import and export or moving within defined local limits, of timber and forest produce without

(a) Added by Regulation IX of 1085.

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a pass from the land-holder from whose lands it is brought or from an officer duly authorised to issue the same or otherwise than in accordance with the conditions of such pass;

(4) prescribing the form of passes and providing for their issue, production and return;

(5) providing for the stoppage, reporting, examination and marking of timber in transit within defined local limits or at stations established as hereinafter provided;

(6) establishing stations to which such timber shall be taken by those in charge of it for examination or marking, and the conditions under which such timber and forest produce shall be brought to, stored at, and removed from, such station;

(7) providing for the management and control of such stations and for regulating the appointment and duties of persons employed thereat;

(8) authorising the transport of timber and forest produce, the property of Government, across any land and providing for the payment of compensation for any damage done by the transport of such articles;

(9) regulating or prohibiting the collection and transit of any other forest produce;

(10) fixing or prescribing the prices, fees, seigniorage and other charges to be paid to Our Government on trees, timber or other forest produce;

(11) prescribing the hours during which the transport of timber and other forest produce may take place from land within forest limits;

[(12) to regulate the use of property-mark for timber and the registration of such marks, declare the circumstances in which the registration of any property-marks may be refused or cancelled, prescribe the time for which such registration will hold good, limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration;

(13) to prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce and the throwing of grass, brushwood, branches and leaves into any such river or any act which may cause such river to be closed or obstructed, provide for the prevention and removal of any obstruction of the channel or the banks of any such river and for recovering the cost of such prevention or removal from the person or by the sale of any timber causing such obstruction, and provide for the protection of bridges, locks or other public works, by regulating the floating of timber and the storing of timber on river-banks and by authorising the seizure of timber floated or stored in contravention of such Rules or by which any damage to such work may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done ; and] (*a*)

(14) generally for the protection of the revenue from Our forests.

CHAPTER VI.

PENALTIES AND PROCEDURE.

Punishment for felling, &c., trees which are royalties.

34. Whoever

(*a*) fells, [girdles, lops, marks, mutilates or otherwise damages] (*a*) any tree which is a royalty, against the Rules framed by Our Dewan, or

(*b*) fells such trees or reserved trees in places other than those for which he has obtained permission from a Forest officer, or in quantities larger than, or different in kind from, those so permitted, or

(*c*) is found in possession of such trees, or of any forest produce which is a royalty without having honestly obtained it,

shall, on conviction by a Magistrate, be liable to imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or to both.

In cases where the offence is said to have been committe after sunset and before sunrise, or after making preparatio

(a) Added by Regulation IX of 1085.

for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the punishment that would ordinarily be inflicted.

Punishment for infringement of Rules under Section 33.

35. Whoever commits any infringement of the Rules framed under Section 33 shall be liable to imprisonment which may extend to one month, or fine which may extend to two hundred rupees, or both.

Seizure of property liable to confiscation.

36. When there is reason to believe that a forest offence has been committed in respect of any timber or other forest produce, such timber or produce, together with all tools, ropes, chains, boats, carts and cattle used in committing any such offence may be seized by any Forest officer or Police officer.

Report to Magistrate.

Every officer seizing any property under this Section shall place on such property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or forest produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the Forest officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

37. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest produce, tools, &c., when liable to confiscation.

38. When any person is convicted of a forest offence, all timber or other forest produce in respect of which such offence has been committed and all tools, ropes, chains, boats, carts and cattle used in committing such offence and being the property of the offender or his abettor shall be liable, by order of the convicting Magistrate, to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.

39. When the trial of any forest offence is concluded, any timber or other forest produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken possession of by or under the authority of a Forest officer not below the rank of an Assistant Conservator;

and in any other case it may be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

40. When the offender is not known or cannot be found, the Magistrate, if he is of opinion that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of a Forest officer not below the rank of an Assistant Conservator, or to be made over to any person whom the Magistrate considers to be entitled to the same:

Provided that no such order shall be made until the expiration of two months from the date of seizing such property or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

The Magistrate shall cause a notice of any application under this Section to be served upon any person who he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit.

Procedure as to perishable property seized under Section 36.

41. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under Section 36 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Appeal from orders under Section 38, 39 or 40.

42. Any person claiming to be interested in property seized under Section 36 may, within two months from the date of any order passed under Section 38, 39 or 40, present an appeal therefrom, which may be disposed of in the manner provided by Section 398 of the Code of Criminal Procedure.

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Property when to vest in Government.

43. When an order for the confiscation of any property has been passed under Section 38 or 40, and the period limited by Section 42 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government.

Saving of power to release property seized.

44. Nothing hereinbefore contained shall be deemed to prevent a Forest officer not below the rank of a Deputy Conservator of Forests [or of an Assistant Conservator holding charge of a Forest Division] (*a*) from directing at any time the immediate release of any property seized under Section 36 and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and for altering boundary-marks.

45. Whoever, with intent to cause damage or injury to the public or any person or to cause wrongful gain as defined in the [Travancore] (*b*) Penal Code,

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest officers to indicate that such timber or tree is the property of the Government or some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest officers; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any forest or any land to which any provisions of this Regulation apply;

shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(*a*) Added by Regulation IX of 1085.

(*b*) Substituted by do do

Killing of elephants punishable.

46. Whoever, unless authorised to do so, kills, wounds or captures a wild elephant within the territories of the State, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or both, for each animal, and the tusks and teeth of the animals which have been killed or the elephants that have been captured, shall be regarded as the property of the Sircar, and shall be delivered to the nearest Forest officer or Police officer:

Provided

(1) that Our Dewan may, from time to time, on an application being made to him, grant general or special permits in writing for the shooting or the capturing of elephants, and those who obtain such permits shall be exempted from the operation of the preceding para so long as they act in accordance with the Rules given in the permits;

(2) that persons shooting or wounding elephants in self-defence or for the protection of property shall be exempted from punishment.

Forest officer may arrest offenders.

47. Any Forest officer or Police officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence, if such person refuses to give his name and residence, or gives his name or residence which there is reason to believe to be false, or if there is reason to believe he will abscond.

Every officer making an arrest under this Section shall, without unnecessary delay, take or send the person arrested to the nearest Police Station, and the officer in charge of such Station shall thereupon act according to law.

Punishment for wrongful seizure or arrest.

48. Any Forest officer or Police officer who vexatiously and maliciously seizes any property on pretence of seizing property liable to confiscation under this Regulation, or who vexatiously and maliciously arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

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Power to prevent commission of offence.

49. Every Forest officer and Police officer shall prevent and may interfere for the purpose of preventing, the commission of any forest offence.

Operation of other laws not barred.

50. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation or the Rules made thereunder:

Provided that no person shall be punished twice for the same offence.

Forest officer to accept compensation.

51. Any Forest officer drawing a salary of not less than one hundred rupees a month, if specially empowered in this behalf, may accept from any person, reasonably suspected of having committed any forest offence other than an offence under Section 45 or 48, a sum of money by way of compensation for the offence which may have been committed and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money or such value or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property.

Presumption that timber or forest produce belongs to Government.

52. When, in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER VII.

CATTLE TRESPASS.

Cattle Trespass Regulation No. I of 1056 to apply.

53. Cattle trespassing in a Reserved Forest or on lands on which the grazing of cattle has been prohibited by Rules

made under this Regulation, or which has been closed under Section 23 shall be deemed to be cattle doing damage to a public plantation within the meaning of the eighth Section of the Cattle Trespass Regulation No. I of $\frac{1056}{1880-1881}$ and may be seized and impounded as such by any Forest officer or Police officer.

Power to alter fines fixed by that Regulation.

54. Our Government may, by Notification in the Gazette, direct that, in lieu of the fines fixed by the tenth Section of the Regulation last aforesaid, there shall be levied, in all or any of the areas to which the Regulation applies, for each head of cattle impounded under Section 53 of this Regulation, such fines as they think fit, but not exceeding the following:—

	Rs.	Ch.	C.
For each elephant ...	10	,,	,,
For each buffalo or camel ...	1	,,	,,
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, calf or heifer	,,	14	,,
For each ass, pig, ram, ewe, sheep, lamb, goat or kid	,,	7	,,

CHAPTER VIII.

MISCELLANEOUS.

Forest officers deemed public servants.

55. All Forest officers shall be deemed to be public servants within the meaning of the [Travancore] (a) Penal Code.

Indemnity for acts done in good faith.

56. No Criminal prosecution shall lie against any public servant for anything done or omitted to be done in good faith under this Regulation.

Forest officer not to trade.

57. Except with the permission in writing of Our Dewan, no Forest officer shall, as principal or agent, trade in timber or forest produce or be or become interested in any lease or mortgage of any forest or in any contract for working any forest whether in Travancore or foreign territory.

(a) Substituted by Regulation IX of 1085.

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Trees and timber standing on land granted for permanent cultivation

58. All trees and timber, [other than royalties] (*a*), found on land at the disposal of Government, which may hereafter be granted for permanent cultivation under such Rules as may be in force at the time, shall be held to be the property of Government; such trees shall, on the application of the grantee, be removed by the Forest Department within 18 months from the date of receipt of such application; if not so removed, such trees and timber shall become the property of the land-owner: Provided that nothing in this Section shall affect any right which Our Government may possess in trees or timber found on lands granted for cultivation prior to the enactment of this Regulation.

Investing Forest officer with powers.

59. Our Government may invest, either temporarily or permanently, any Forest officer drawing a salary of not less than one hundred rupees with the following powers, and may withdraw the same:—

(*a*) the powers of a Settlement officer;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to hold inquiries into forest offences and in the course of such inquiries, to receive and record evidence and to issue search-warrants which may be executed in the manner provided by the Code of Criminal Procedure;

(*d*) power to accept compensation for forest offences under Section 51.

[Any evidence recorded under Clause (*c*) of this Section shall be admissible in any subsequent trial before a Magistrate of the alleged offender, provided that it has been taken in the presence of the accused person and recorded in the manner provided for in the Travancore Criminal Procedure Code.] (*a*)

Additional power to make Rules.

60. Our Government may make Rules consistent with this Regulation—

(*a*) to declare by what Forest officer or class of Forest officers the powers or duties conferred or imposed by or under this Regulation on a Forest officer shall be exercised or performed;

(*a*) Added by Regulation IX of 1035.

(*b*) to regulate the procedure of Forest Settlement officers;

(*c*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Regulation or from the Public Treasury;

(*d*) for the preservation, re-production and disposal of trees and timber which are royalties, but grown on lands belonging to, or in the occupation of, private persons; and

(*e*) generally to carry out the provisions of this Regulation.

Rules when to have force of law.

61. All Rules made by Our Government under this Regulation shall be published in the Gazette and shall thereupon have the force of law. Such Rules may be cancelled or varied by like Notification.

Liability of persons engaged by Forest officers.

62. All contractors or persons engaged by the officers of the Forest Department to fell, remove or deliver timber, collect produce, or to do any work for the Department, and all persons who have permission to collect and remove timber or forest produce on permits, licenses or leases, shall be held responsible for any loss or damage caused by any acts or omissions on the part of any of their subordinates, servants or agents infringing any of the provisions of this Regulation or of the Rules framed thereunder.

Recovery of money due to Government.

63. All money other than fines payable to the Government under this Regulation or any Rule made thereunder, or on account of timber or forest produce, or of expenses incurred in the execution of this Regulation in respect of timber or forest produce, and all compensation awarded to Government under this Regulation may, if not paid when due, be recovered under the law for the time being in force, as if it were an arrear of land-revenue.

Lien on forest produce for such money

64. When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and if such amount be not paid when due, such produce may be taken possession of by or under the authority of a Forest officer not below the rank

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of an Assistant Conservator, and may be retained until such amount has been paid, or such Forest officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount.

The surplus (if any), if not claimed by the person entitled thereto within six months from the date of the sale, shall be forfeited to Government.

Land required under this Regulation to be deemed needed for a public purpose.

65. Whenever it appears to Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose within the meaning of any law for the time being in force for the acquisition of land for public purposes.

Forests reserved previous to the passing of this Regulation.

66. The Dewan may, by Notification in the Gazette, declare any forest which has been reserved by order of the Government previous to the day on which this Regulation comes into force to be a Reserved Forest under this Regulation:

Provided that if the rights of the Government or of private persons to or over any land or forest produce in such forest have not been inquired into, settled and recorded in a manner which the Government think sufficient, the same shall be inquired into, settled and recorded in the manner provided by this Regulation for Reserved Forests, before the date on which the Notification declaring the forest to be reserved takes effect.

All questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Regulation relating to Reserved Forests shall apply to such forest.

Regulation IV of 1063 repealed but not so as to affect forests reserved.

67. Regulation IV of 1063 is repealed; but any forest which has been reserved by order of the Government in accordance with it shall be considered to be a Reserve; and any Rules framed or any action taken under it shall hold good as if it were still in force.

Forest Settlement Rules passed by the Government, under date the 23rd May 1913.

In supersession of the Rules regarding the procedure of Forest Settlement officers, sanctioned by His Highness the Maha Rajah on the 28th August 1903/12th Chingom 1079, and of the Rules for the guidance of Forest Settlement officers, sanctioned on the 15th August 1907/31st Avani 1082, and published on page 693 of the Travancore Government Gazette dated the 8th September 1903/23rd Avani 1079, and on pages 957 to 970 of the Gazette dated the 27th August 1907/11th Chingom 1083, respectively, the following Rules are enacted under Section 60, Clauses (*b*) and (*c*), of the Forest Regulation, II of 1068, as amended by Regulations IV of 1071 and IX of 1085.

1. When a block is proposed for reservation under Section 4 of the Forest Regulation, the Divisional Forest Officer will submit, after personal inspection by himself or by a Gazetted officer subordinate to him, a report to the Conservator of Forests, giving a brief description of the block and the forest-growth therein and the reasons for proposing the reservation. The report should be accompanied by a description of the boundaries of the block and a correct map based upon the Revenue Survey plans, if the block lies within the limits of the Revenue Survey, but, where the block lies outside the latter, the map should be prepared after regular Forest Survey, giving the necessary topographical features and other land-marks to facilitate easy identification of the block and its boundaries.

The map will be on one of the scales noted below:—

(1) For blocks less than 5 square miles ... 16" to the mile.
(2) Do. between 5 and 20 square miles ... 8" Do.
(3) Do. between 20 and 80 square miles ... 4" Do.
(4) Do. exceeding 80" square miles ... 2" Do.

The Divisional Forest Officer will, at the same time, mark in pencil on the Proverthicar's copy of the Revenue Survey maps of the village or villages, within which the block lies, the boundaries of the selected area, so that the village officers may know the limits.

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2. On receipt of the Divisional Forest Officer's proposals, the Conservator of Forests will submit them, after his inspection of the block if he considers it necessary and after consulting the local Dewan Peishkar, to the Government for approval to the reservation. If the Government approve the proposals, they will, along with their order to submit formal draft Notification under Section 4, return the map to the Conservator of Forests ; the latter will thereupon forward the map to the Divisional Forest Officer with orders to demarcate the block preliminarily by cutting a line not exceeding 10 feet along the boundaries and erecting temporary boundary-marks at visible distances apart.

The Divisional Forest Officer will carry out the demarcation, personally check and verify on the ground the demarcated lines with the map, and then submit a formal draft Notification under Section 4, with the map of the block and with his certificate that he has personally verified the boundaries *on the ground* and found them to agree with the map and description. As far as possible, all existing rights to land, rights of way, temples, &c., should be correctly indicated on the map, after being surveyed, if necessary.

The Conservator of Forests will then submit the draft Notification, with the map and other enclosures thereto, to the Government for the sanction of the latter and publication of the Notification in the Government Gazette.

3. It is not illegal to include, in a Notification under Section 4 of the Forest Regulation, any land over which the Government recognise any claims or about which there is any dispute. The mere fact that a land has been notified under Section 4 does not by itself forbid the exercise of the existing private rights of claimants, but it forbids them from making *fresh* clearing for cultivation without the permission of the Forest Settlement officer or from getting *Patta* without the sanction of the Government.

4. After the Government have published the Notification under Section 4, they will forwad the map of the block, which will have been stamped with the Government seal,

to the Forest Settlement officer, who shall use that map and no other throughout the Settlement inquiry and re-submit the same to the Government with his final report under Section 14.

5. On the appearance of the Notification by the Government under Section 4 in the Government Gazette, the Forest Settlement officer shall publish, as required by Section 6 of the Forest Regulation, a proclamation in the Government Gazette, embodying the provisions of that Section. The proclamation shall be in the Form A appended to these Rules.

6. Soon after the proclamation under Section 6 appears in the Gazette, the Forest Settlement officer shall take the necessary steps to serve notices on *every* known or reputed owner or occupier of any land included in or adjoining the proposed block, after obtaining lists of such owners or occupiers from the Tahsildars of the taluks concerned.

[*N. B.* As the boundaries of the proposed reserve will have been previously marked by the Divisional Forest Officer on the Proverthicar's plans, the Proverthicar should have no difficulty in furnishing the list of claims existing within the block.]

7. As soon as possible after the expiry of the period prescribed in the proclamation under Section 6 of the Regulation, the Forest Settlement officer shall proceed to the spot and inspect the proposed Reserve, accompanied by the Divisional Forest Officer appointed for the purpose. The Forest Settlement officer will *perambulate and inspect* the proposed Reserve *with the map in his hand* and note on it any changes in the proposed boundary that may be found necessary. He must invariably record in a note-book *in his own hand*, at the time, the results of his inspection and perambulation:

Provided that, where no claims or disputes as to the boundaries exist, the local inspection by the Forest Settlement officer may be dispensed with.

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8. When claimants under Section 6 (*b*) of the Regulation appear and verbally state the nature of their rights, the Forest Settlement officer shall record the substance of the statements. Written statements specifying the nature of the rights claimed must be prepared on stamped paper under the Court Fees Regulation, VI of 1087.

9. On the expiry of the period prescribed in the proclamation under Section 6 of the Regulation or even earlier, as claim-petitions are received, the Forest Settlement officer shall open a register of claims, in Form B appended, giving therein details as to the nature, extent, position, &c., of each claim, and the evidence adduced in support of such claim and furnish a copy thereof to the Forest officer to enable the latter to prepare and submit his answers to the claims.

The Forest officer shall, on receipt of the register of claims, draw up his answers against each claim and submit the same to the Conservator of Forests for his perusal and orders, if any. The Conservator will return the lists to the Forest Settlement officer with his views and remarks. The Forest officer will then file his answers before the Forest Settlement officer, after duly attending to the Conservator's views and instructions.

10. Claims on behalf of a family may be presented by any member of that family; on behalf of a tribe or community, by any member of that tribe or community; on behalf of joint claimants or pattadars, by any of them; and on behalf of a *kara*, by any man of that *kara*. In all these cases, notice of the claim should be given by the officer to the other members or persons jointly or severally interested and they must be made parties if they wish.

11. The Forest Settlement officer may, at any time, join any number of claims, provided that they are all situated in the same proposed Reserve, in order to hold a common inquiry, by reason of the same evidence being adduced, or he may sever any claims joined or jointly made in order to hold separate inquiries at his discretion. It shall not be necessary to take a second time evidence already

recorded in an inquiry relating to another claim, provided the parties are the same or their representatives in interest. But if, in deciding upon the claim of any person, the Forest Settlement officer shall admit previously recorded evidence or documents, or shall recite a previous decision in disposing of a case, the person whose claim is thus treated shall be entitled to obtain a copy of such previous evidence, document or decision, as if it had been recorded during the inquiry into his own claims.

12. When the subject of a claim is so vaguely or indefinitely described by a claimant as not to be identifiable on the existing authenticated Revenue Survey maps, it shall be open to the Forest Settlement officer to call upon the claimant to produce a map, showing the boundaries of the land claimed and the existing land-marks as noted on the Revenue Survey maps. If the claimant is unable to procure a professional surveyor for the purpose, the Forest Settlement officer may appoint a surveyor for the purpose, provided the claimant deposits a sufficient sum of money to cover the cost of the survey, including the remuneration for the surveyor.

13. Claimants may employ legal practitioners on their behalf. In such cases, the Forest Settlement officer will require the production of the usual stamped authority.

14. Copies of statements or of documents filed and of the decisions recorded by the Forest Settlement officer may be granted to claimants under the Rules regulating the grant of copies in Civil cases.

15. The Forest Settlement officer shall examine claimants and witnesses upon *oath* or on *solemn affirmation*. Process fees, according to the scale laid down in the Code of Civil Procedure, shall be required from claimants, if application is made to the Forest Settlement officer to compel the attendance of witnesses or the production of documents.

16. The Forest officer attending an inquiry shall have powers similar to those of a defendant in a Civil suit. He

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may cross-examine witnesses who support claims, may produce evidence to rebut claims or to prove his case, and may comment on any documents produced. He may peruse and take copies of any documents or evidence and no court-fees shall be required of him ; if he desires to prefer an appeal against any decision, the Forest Settlement officer shall give him a duly stamped and certified copy of such decision, meeting the cost from the contingencies of the Forest Settlement office.

17. If the Forest officer is unable to attend the inquiry before the Forest Settlement officer, he may forward to the latter any statement he may wish to make in writing, with any document which he may wish to put in. The Forest officer may, in such cases, if he wishes, depute a subordinate not below the rank of a Ranger to explain the statement submitted by him.

18. The Forest Settlement officer shall, at all times, afford the Forest officer attending the inquiry all reasonable information regarding the posting of claims for hearing, and shall, as far as is convenient, meet the wishes of the Forest officer in adjourning inquiries, so as to give him time to consult the Conservator of Forests.

19. The Forest Settlement officer shall keep a diary of his proceedings from day to day which should be clearly written up and should be initialled by himself daily. The claims on which he will have to adjudicate will usually be of two classes :—

(1) claims to land ;

(2) claims to rights of the nature of easements, specified in Section 10 of the Regulation.

He will record the evidence and decide on the claim in each case in the manner prescribed by the Code of Civil Procedure for adoption in appealable cases. He will also maintain, in addition to the register in Form B referred to in Rule 9, another register in Form C for all claims that are disposed of. A true copy of the register in Form C must be forwarded to the Government with his report under Section 14 of the Regulation.

When a claim refers partly to a land and partly to a right as specified in Section 10 of the Regulation, the Forest Settlement officer will separate the claim into two parts and will enter them in his register as distinct claims.

The description of claims admitted should be *clear* and *definite*, and should give, in the case of land, their Survey numbers and sub-numbers, exact extent, names of claimants in whose favour they are admitted and access thereto from outside the Reserve; in the case of admitted rights of way, their lengths and widths, and direction in the Reserve, the points at which they enter and leave it, and the purposes for which they are admitted, *i. e.*, whether for men only, or for men and cattle, or for men, cattle and carts; these should be clearly stated. Similarly, in respect of temples, the space admitted, and the seasons during which they are visited, and the number of persons that usually gather for worship, should be given.

In cases in which appeals are preferred against his decision, the Forest Settlement officer will obtain copies of the appellate decision, which should form part of the Forest Settlement record. A brief abstract of each appellate judgment should also be prepared and entered in the appropriate column of the register in Form C, reference being made in the "Remarks" column to the number and date of such judgment.

20. When the Forest Settlement officer has admitted a claim to land, he will ascertain from the Forest officer attending the inquiry, which course of those laid down in Section 15 of the Regulation it is desirable to follow, and he will, if necessary, grant an adjournment, to enable the Forest officer to consult the Conservator of Forests as to his answer. The Forest Settlement officer will also hear the claimant whose claim has been admitted, before making his report to the Dewan under Section 14 of the Regulation.

21. The Forest Settlement officer is not empowered by the Regulation to review his own decision, but he may correct verbal or clerical errors.

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22. The Forest officer may, with the previous sanction of the Government, move the Forest Settlement officer to exclude from his inquiry claims to rights within any portion of the proposed Reserve, when such portion is decided to be excluded from final reservation, and the Forest Settlement officer may strike such claims off his file.

23. It shall be the duty of the Forest officer attending an inquiry before the Forest Settlement officer to take special care that all customary rights known or believed to be enjoyed by any wild jungle tribes, and important public rights of way in any of the forests or lands in respect of which the inquiry is being held, are brought to the notice of the Forest Settlement officer, in view to their being recorded and admitted by him. Such rights and privileges shall be entered in the registers provided in Rule 19 as claims preferred on behalf of the public by the Divisional Forest Officer.

24. On the completion of the Forest Settlement inquiry into all claims preferred, and after disposal of all appeals, if any, against the Forest Settlement officer's decisions, the Forest Settlement officer shall forward to the Forest officer a detailed and complete list of claims he has admitted, together with the map of the Reserve, showing thereon all admitted claims and any changes of boundary which he may consider desirable. The map and the list of claims shall be signed by the Forest Settlement officer. The Forest officer will then sign and return the map, for submission to the Government, with the report under Section 14 of the Regulation.

25. After the final orders of the Dewan in regard to the claims admitted by the Forest Settlement officer are passed under Sections 15, 16 and 17 of the Regulation, the Conservator of Forests will prepare and submit to the Government a draft Notification under Section 18 of the Regulation. The boundary description therein given should refer to the following features :—

(*a*) surveyed and demarcated village boundaries and their marks;

(*b*) surveyed and demarcated field boundaries and *khandom* marks;

(*c*) roads, paths, rivers, canals and railways ;

(*d*) natural features, such as ridges or spurs of well-known hills, banks of rivers or streams, &c.; and

(*e*) in the absence of other marks or features, forest boundaries and their marks, such as cairns, giving approximately the direction and distance from point to point or cairn to cairn.

The description of boundaries should start from the north-west corner and go round the block along the northern, eastern, southern and western sides, in order. The list of admitted claims which are finally treated as enclosures within the Reserve should be embodied in the Notification under Section 18 at the foot of the boundary description.

[*N. B.* To enable the Conservator of Forests to prepare the draft Notification, the Government will forward to him, for reference and return, the Forest Settlement officer's final report under Section 14, a copy of the Dewan's orders under Sections 15, 16 and 17, the C register of claims and the map of the Reserve returned by the Forest Settlement officer.]

23. The original records of all Forest Settlement inquiries should be carefully sorted, arranged, stitched and kept *under seal* in the Dewan Peishkar's general record-room but apart from other records. A correct copy of the Settlement map of the Reserve, showing the boundaries notified under Section 4, the final boundaries notified under Section 18, and all rights admitted during Settlement, duly signed by the Forest Settlement officer, should form part of the record.

FORM OF PROCLAMATION UNDER SECTION 6 OF THE REGULATION REFERRED TO IN RULE 5.

A.

Whereas, by a Notification published at page of the Travancore Government Gazette of the , it is proposed to form into a Reserved Forest all the block of land comprised within the limits given below, it is hereby notified for general information that during the interval between the

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date of this proclamation and the date of a Notification under Section 18 of the Travancore Forest Regulation, hereafter to be published by the Government declaring the said land to be a Reserved Forest,

(*a*) no new right can be acquired in any of the lands included therein except under a grant from the Government or from some one already possessing power to create such right;

(*b*) no fresh clearings can be made for cultivation or any other purpose on the said land, nor shall any person set fire to such land or kindle or leave burning any fire in such manner as to endanger the same; and

(*c*) no Patta can be granted for any part of it.

(1) , All persons, therefore, claiming any rights in any of the said lands or to any of the forest produce thereof, are hereby required to state to the undersigned either personally and orally or by written statement within months from the date of publication of this proclamation in the Government Gazette, the exact position or situation, extent and nature of the right claimed, specifying the Revenue Survey numbers and sub-numbers where such claims are for land and to produce all the documents in support of such claims, which they possess.

(2) All rights in respect of which no claims are preferred within the above stated period will, after the lands have been declared, by Notification in the Travancore Government Gazette under Section 18, to be a Reserved Forest, become extinguished.

Forest Settlement officer.

REGISTER REFERRED TO IN RULE 9.

B.

Register of claims to lands, rights to forest produce or easements in the proposed.....Reserved Forest, as received.

Number.	Name of claimant and his residence.	Date of presentation of claim.	Nature and extent of claim preferred.	Brief statement of grounds for the claim.	Divisional Forest Officer's answers.	Remarks.
1	2	3	4	5	6	7

C.

Register of claims to lands, rights to forest produce or easements in the proposed.....Reserved Forest, as disposed of.

Number.	Name of claimant.	Date of presentation of claim.	Nature and extent of claim preferred.	Brief summary of the evidence adduced in support of claim.	Brief summary of the Forest officer's arguments and evidence.	Brief abstract of decision and disposal of claim by the Forest Settlement officer.	Brief abstract of decision, if any, of the Court of appeal.	Remarks.
1	2	3	4	5	6	7	8	9

Rules passed by the Government under Section 21 (g) and Section 22 (f) of the Travancore Forest Regulation, under date the 11th November 1912, corresponding to the 26th Thulam 1088.

The following Rules are enacted under Section 21, Clause (*g*), and Section 22, Clause (*f*), of the Travancore Forest Regulation, II of 1068, as amended by Regulations IV of 1071 and IX of 1085, for the regulation of hunting, shooting, fishing and the setting of traps and snares, and to prohibit the poisoning of water, within the limits of Reserved Forests, and of lands at the disposal of the Government, though not included in Reserved Forests.

2. The Rules issued under Section 21 (*g*) of Regulation II of 1068, and published at page 113 of the Government Gazette dated the 13th February 1906 are hereby repealed.

3. Subject to the concessions granted to hillmen by the Rules dated the 14th December 1911, it shall not be lawful for any one to hunt or shoot within any Reserved Forest, or any land at the disposal of the Government though not included in a Reserved Forest, unless he has obtained a license permitting him to do so: Provided that all officers of the Forest Department, of and above the rank of Rangers and all officers of the Revenue Department in the Devicolam Division, are exempted from these Rules within their respective jurisdictions.

4. A fee of Bh. Rs (50) fifty shall be levied for each license to hunt or shoot in a Reserved Forest, and of Bh. Rs. (25) twenty-five in the case of lands at the disposal of the Government and not included in a Reserved Forest, in all parts of Travancore except in the Devicolam Division. In the Devicolam Division, the fee shall be Bh. Rs. (100) one hundred in the case of Reserved Forests, and Bh. Rs. (50) fifty in the case of lands at the disposal of the Government and not included in a Reserved Forest. A license to hunt or shoot in a Reserved Forest includes also permission to hunt

or shoot in lands at the disposal of the Government and not included in reserved Forests, but not *vice versa*.

5. Owners of packs of hounds and dogs, consisting of three or more in number and kept or used for the purpose of hunting, shall apply to the Conservator of Forests for the registration of their packs, and shall pay a fee of Bh. Rs. (100) one hundred for a license for the privilege of hunting with dogs. No two packs shall be kennelled or hunted within a radius of 12 miles of one another by the shortest road.

6. Persons desirous of hunting or shooting for sport should apply to the Conservator of Forests, stating the locality where they wish to shoot and the time for which a license is required, and, if there is no objection, a license will be granted. In the case of lands at the disposal of the Government and not included in a Reserved Forest, the Conservator of Forests shall obtain the views of the Division Peishkar or the Superintendent, Devicolam Division, as the case may be, before he grants a license.

7. The Conservator of Forests may, after obtaining the sanction of the Government, issue special licenses to persons desirous of hunting or shooting for sport in Reserved Forests or in lands at the disposal of the Government and not included in Reserved Forests, *throughout the State*. The fee for such a special license shall be Bh. Rs. (200) two hundred, and the license shall be valid for one year. The Conservator of Forests shall, on receipt of applications from the proprietors of Estates adjoining Reserved Forests or lands at the disposal of the Government and not included in Reserved Forests, grant them yearly licenses on payment of the fees prescribed therefor.

8. Applications may be made, for the sake of convenience, in printed Forms obtainable from the Conservator of Forests or in manuscript Forms containing the following particulars :—

(1) full name of the applicant ;

(2) residence and address ;

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(3) occupation ;

(4) reasons for the application (here state whether it is for sport or for defence of property, &c) ;

(5) Reserved Forests or lands at the disposal of the Government and not included in Reserved Forests, where the applicant intends to hunt or shoot ;

(6) period for which the license should run (the date of expiry not to run beyond the last day of the Malabar year) ;

(7) signature of the applicant and date.

9. No license shall, however, be granted for hunting or shooting for sport big game within any Reserved Forests between the 31st of May and the 1st of October, and feathered game and hare between the 30th November and the 1st April of each year. This period shall, for this purpose, be deemed to be a close season. But the Conservator of Forests may, with the sanction of the Government, declare, by Notification in the Gazette, any Reserved Forest or any portion thereof to be closed against shooting, either permanently or for any prescribed period as may be considered necessary. He may also likewise declare any land at the disposal of the Government and not included in a Reserved Forest to be closed against shooting for any specified period. In special cases where the Government think it necessary, licenses may be granted for shooting big game even during the close season, subject, of course, to such precautionary measures as may seem necessary.

10. Any person holding land within or adjoining a Reserved Forest, or within or adjoining land at the disposal of the Government though not included in a Reserved Forest, and wishing to protect his land from the ravages of animals, may apply to the Divisional Forest Officer concerned setting forth the reasons for his application, and upon that officer satisfying himself that the application is *bona fide* for the defence of property and that the applicant understands the Rules prohibiting the lighting of fires, the Divisional

Forest Officer may grant a free license, permitting the shoot ing of destructive animals within 3 miles of the applicant' property.

11. The officer authorised to issue licenses may refus to grant a license, if an applicant has been convicted of a offence against the Rules or for any other special reason t be stated in writing. In every case of refusal by a Divisiona Forest Officer to grant a license, an appeal shall lie to th Conservator of Forests, whose decision shall be final.

12. A license shall not be transferable, and it shall no run beyond the last day of Audi of the year in which it wa granted. It must be shown, on demand, to any officer of th Forest, Police or Land Revenue Department.

13. A license authorises the holder to kill all animals other than those mentioned in Rule 14, provided that such holder shall not, under any circumstances, kill more than two heads of each of the mature males of bison, ibex, spotted deer, sambur and such other animals as may be hereafter specified by the Government, under cover of a single license in any year.

14. It shall not be lawful for any person, whether hold- ing a license or not, to shoot at, kill, capture, pursue or attempt to kill or capture, any elephant or any female or immature male of bison, ibex, sambur and spotted deer, at any time, or any other animal which the Government may by Notification in the Gazette, specify at any future date:

Provided that owners and occupiers of Estates may be allowed to drive away, by shooting, any animals that may be found to be doing damage to their cultivation.

15. Beating or the setting of traps or snares for game is forbidden, except with the special permission of the Division- al Forest Officer.

16. No license is required for fishing in Reserved Forests, or in lands at the disposal of the Government though not included in a Reserved Forest, which are not closed by special order, but, if this privilege is abused, or for any other

reason, the Conservator of Forests may, with the sanction of the Government, declare, by Notification in the Gazette, all or any rivers, streams or lakes, situated within any Reserved Forest or lands at the disposal of the Government though not included in a Reserved Forest, to be closed against fishing without a license.

17. The use of mesh-nets, poison and dynamite or other explosives in water is absolutely prohibited anywhere within the limits to which these Rules apply.

18. The license to be issued under these Rules in respect of Reserved Forests shall be in Form I, hereto annexed. It shall be in triplicate, the original being given to the licensee, the duplicate being kept by the officer issuing it and the triplicate being sent to the Divisional Forest Officer concerned. Licenses in respect of lands at the disposal of the Government but not included in a Reserved Forest, shall be in Form II, and shall also be in triplicate, the original being given to the licensee, the duplicate being kept by the officer issuing the license, and the triplicate being sent to the Division Peishkar or the Superintendent of the Devicolam Division, as the case may be. The licenses shall be numbered consecutively for each year. Separate books shall be maintained in the Conservator's office and in the offices of the Divisional Forest Officers.

19. The Conservator of Forests shall submit to the Government annual returns of all licenses issued under Rules 6 and 7 in respect of Reserved Forests and lands at the disposal of the Government though not included in a Reserved Forest, separately. He shall also submit a similar return in respect of licenses issued under Rule 9. The names of all license-holders under Rules 6, 7 and 9 shall be printed and posted at the Conservator's office, the Division cutcherries and the Divisional offices, and a copy of the same sent to each license-holder.

20. The duty of enforcing these Rules is laid on the Forest Department in regard to Reserved Forests, and on

both the Forest and the Land Revenue Departments in regard to lands at the disposal of the Government though not included in a Reserved Forest.

21. Within the limits to which these Rules apply, no person shall, at any time of the year, shoot at, trap or snare any of the insectivorous birds specified in the Schedule attached to these Rules.

22. Whoever commits any breach or infringement of these Rules is liable, on conviction, to punishment under Section 21 or Section 22 of the Forest Regulation, as the case may be.

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FORM No. I.

License to shoot and hunt in Reserved Forests.

(Counterfoil to be retained by the issuing officer)

Under Section 21, Clause (*g*), of the Forest Regulation.

No.

1. Name and residence of applicant
2. Reasons for the application.
3. Reserved Forests in which hunting and shooting are allowed.
4. Date of beginning and expiry of the license.
5. Amount of fee realised.
6. Remarks.

Station. Signature.

Date. Designation.

License to shoot and hunt in Reserved Forests.

(To be sent to the Divisional Officer concerned)

Under Section 21, Clause (*g*), of the Forest Regulation.

No.

1. Name and residence of applicant.
2. Reasons for the application.
3. Reserved Forests in which hunting and shooting are allowed.
4. Date of beginning and expiry of the license.
5. Amount of fee realised
6. Remarks.

Station. Signature.

Date. Designation.

License to shoot and hunt in Reserved Forests.

Under Section 21, Clause *(g)*, of the Forest Regulation.

No.

Name & residence of the applicant.	Reasons for the application.	Reserved Forests in which hunting and shooting are allowed.	Date of beginning and expiry of the license.	Amount of fee realised.	Remarks.
1	2	3	4	5	6

Station. Signature.
Date. Designation.

This license is issued subject to the Rules for hunting and shooting in Reserved Forests passed on the 11th November 1912/26th Thulam 1088, any infringement of which will render the offender liable to punishment.

Conditions under which the license to hunt and shoot is granted.	Do.	Do.
1. No license shall be granted for hunting or shooting big game within any Reserved Forest between the 31st May and the 1st October, and of feathered game and hares between the 30th November and the 1st April of each year. This period shall, for this purpose, be deemed to be a close season. But the Conservator may, with the sanction of the Government, declare by Notification in the Gazette, any Reserved Forest or any portion thereof to be closed against shooting either permanently or for any prescribed period as may be considered necessary. He may also likewise declare any lands at the disposal of the Government and not included in a Reserved Forest to be closed against shooting for any specified period.		
2. Any person holding land within or adjoining a Reserved Forest, or within or adjoining land at the disposal of the Government though not included in a Reserved Forest, and wishing to protect his land from the ravages of animals, may apply to the Divisional Forest Officer concerned, setting forth the reasons for his application, and upon that officer satisfying himself that the application is *bona fide* for the defence of property and that the applicant understands the Rules prohibiting the lighting of fires, the Divisional Forest Officer may grant a free license, permitting the shooting of destructive animals within 3 miles of the applicant's property.	Do.	Do.
3. A license shall not be transferable and it shall not run beyond the last day of Audi of the year in which it was granted. It must be shown on demand to any officer of the Forest, Police or Land Revenue Departments.		
4. A license authorises the holder to kill all animals, other than those mentioned in the next para, provided that such holder shall not, under any circumstances, kill more than two heads of each of the mature males of bison, ibex, spotted deer, sambur, and such other animals as may be	Do.	Do.

Conditions under which the license to hunt and shoot is granted.	Do.	Do.
hereafter specified by the Government, under cover of a single license in any year.		
5. It shall not be lawful for any person, whether holding a license or not, to shoot at, kill, capture, pursue or attempt to kill or capture any elephant or any female or immature male of bison, ibex, sambur and spotted deer, at any time, or any other animal which the Government may, by Notification in the Gazette, specify at any future date:		
Provided that owners and occupiers of Estates may be allowed to drive away by shooting any animals that may be found to be doing damage to their cultivation.		
6. Beating or the setting of traps or snares for game is forbidden except with the special permissien of the Divisional Forest Officer.		
7. No license is required for fishing in Reserved Forests or the lands at the disposal of the Government though not included in a Reserved Forest, which are not closed by special order, but, if this privilege is abused or for any other reason, the Conservator of Forests may, with the sanction of the Government, declare, by Notification in the Gazette, all or any rivers, streams or lakes, situated within any Reserved Forest or lands at the disposal of the Government though not included in a Reserved Forest, to be closed against fishing without a license.	Do.	Do.
8. The use of mesh-nets, poison and dynamite or other explosives in water is absolutely prohibited anywhere within the limits to which these Rules apply.		
9. Within the limits to which these Rules apply, no person shall, at any time of the year, shoot at, trap or snare any of the insectivorous birds specified in the Schedule attached to the Game Rules.	Do.	Do.
10. Whoever commits any breach or infringement of these Rules is liable, on conviction, to punishment under Section 22 of the Forest Regulation.		

FORM No. II.

License to shoot and hunt in lands at the disposal of the Government and not included in a Reserved Forest.

(Counterfoil to be retained by the issuing officer.)

No.—

1. Name and residence of the applicant.
2. Reasons for the application.
3. Lands in which hunting and shooting are allowed.
4. Date of beginning and expiry of the license.
5. Amount of fee realised.
6. Remarks.

Station, Signature.

Date, Designation.

License to shoot and hunt in lands at the disposal of the Government and not included in a Reserved Forest.

(To be sent to the Division Peishkar concerned or to the Superintendent of the Devicolam Division.)

No.—

1. Name and residence of the applicant.
2. Reasons for the application.
3. Lands in which hunting and shooting are allowed.
4. Date of beginning and expiry of the license.
5. Amount of fee realised.
6. Remarks.

Station. Signature.

Date, Designation.

License to shoot and hunt in lands at the disposal of the Government and not included in a Reserved Forest.

Under Section 22, Clause *(f)*, of the Forest Regulation.

No.—

Name aed residence of the applicant.	Reasons for the application.	Lands in which hunting & shooting are allowed.	Date of beginning and expiry of the license.	Amount of fee realised.	Remarks.
1	2	3	4	5	6

Station. Signature.

Date. Designation.

This license is issued subject to the Rules for hunting and shooting in lands at the disposal of the Government and not included in a Reserved Forest passed on the 11th November 1912/26th Thulam 1088, any infringement of which will render the offender liable to punishment.

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Conditions under which the license to hunt and shoot is granted.	Do.	Do.
1. No license shall be granted for hunting or shooting big game within any Reserved Forest between the 31st May and the 1st October and of feathered game and hares between the 30th November and the 1st April of each year. This period shall, for this purpose, be deemed to be a close season. But the Conservator may, with the sanction of the Government, declare by Notification in the Gazette, any Reserved Forest or any portion thereof to be closed against shooting either permanently or for any prescribed period as may be considered necessary. He may also likewise declare any lands at the disposal of the Government and not included in a Reserved Forest to be closed against shooting for any specified period.		
2. Any person holding land within or adjoining a Reserved Forest, or within or adjoining land at the disposal of the Government though not included in a Reserved Forest, and wishing to protect his land from the ravages of animals, may apply to the Divisional Forest Officer concerned, setting forth the reasons for his application, and upon that officer satisfying himself that the application is *bona fide* for the defence of property and that the applicant understands the Rules prohibiting the lighting of fires, the Divisional Forest Officer may grant a free license, permitting the shooting of destructive animals within 3 miles of the applicant's property.	Do.	Do.
3. A license shall not be transferable and it shall not run beyond the last day of Audi of the year in which it was granted. It must be shown on demand to any officer of the Forest, Police or Land Revenue Departments.		
4. A license authorises the holder to kill all animals, other than those mentioned in the next para, provided that such holder shall not, under any circumstances, kill more than two heads of each of the mature males of bison, ibex, spotted deer, sambur and such other animals as may be	Do.	Do.

Conditions under which the license to hunt and shoot is granted.	Do.	Do.
hereafter specified by the Government, under cover of a single license in any year.		
5. It shall not be lawful for any person, whether holding a license or not, to shoot at, kill, capture, pursue or attempt to kill or capture, any elephant or any female or immature male of bison, ibex, sambur and spotted deer, at any time, or any other animal which the Government may, by Notification in the Gazette, specify at any future date: Provided that owners and occupiers of Estates may be allowed to drive away by shooting any animals that may be found to be doing damage to their cultivation.		
6. Beating or the setting of traps or snares for game is forbidden except with the special permission of the Divisional Forest Officer.	Do.	Do.
7. No license is required for fishing in Reserved forests, or the lands at the disposal of the Government though not included in a Reserved Forest, which are not closed by special order, but, if this privilege is abused or for any other reason, the Conservator of Forests may, with the sanction of the Government, declare, by Notification in the Gazette, all or any rivers, streams or lakes, situated within any Reserved Forest or lands at the disposal of the Government though not included in a Reserved Forest, to be closed against fishing without a license.		
8. The use of mesh-nets, poison and dynamite or other explosives in water is absolutely prohibited anywhere within the limits to which these Rules apply.		
9. Within the limits to which these Rules apply, no person shall, at any time of the year, shoot at, trap or snare any of the insectivorous birds, specified in the Schedule attached to the Game Rules.		
10. Whoever commits any breach or infringement of these Rules is liable, on conviction, to punishment under Section 22 of the Forest Regulation	Do.	Do.

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Schedule.

English.	Tamil.	Malayalam.
Swallows.	Thagai-vilan kuruvi, *i. e.*, bird without fatigue; commonly called Thalai-illah kuruvi, *i. e.*, bird without head.	Mival pakshi and Valilla Akasa-paksni.
Swifts.	Swallows and swifts have the same name in Tamil.	Chela, Kunni and Mazhakunni.
Goatsuckers.	Bakkay or Thavalai-vaye patchi, *i. e.*, frog-mouthed bird; also called Kubkadi.	Rakkili, Thavala-vayan and Nilanathi.
Trogans.	...	Olakiri pakshi.
Bee-eaters.	Chinna Pachaikuruvi, *i. e.*, small green bird, and Peria Pachaikuruvi, *i. e.*, large green bird, also called Thanthi kuruvi, *i. e.*, telegraph-wire bird, as they are frequently seen perching on telegraph wires. *	Tenkili and Veli-tatta.
Rollers.	Kuttukadai.	Urula pakshi, Kattukata and Puzhakkalan.
Wood-peckers.	Shanara kuruvi. So called by bird-catchers, as they climb trees like Shanars who climb cocoa-nut trees to draw toddy; also called Maramkuthi, *i. e.*, wood-pecker.	Marakkottan.
Cuckoos.	Koel, a general name for all the cuckoos, and the different species are distinguished by a prefix, e. g., Konda koel, *i.e.*, pied-crested cuckoo; Mala koel, *i. e.*, hill koel or red-winged crested cuckoo.	Kuyil.
Hoopoes.	Konda-kuruvi, *i. e.*, crested bird, also called Kondalathi.	Kondalatti Koda-thala pakshi and Kurunul pakshi.

*Other birds which habitually perch on telegraph wires in Southern India are all the swallows and shrikes, kestril, red-headed merlin, black-winged kite, Indian and blue tailed bee-eaters, Indian roller, white-breasted and pied king-fishers, pied crested cuckoo, pied wagtail, jungle and black-headed mynas, weaver-bird, spotted and plain brown munias.

Schedule—continued.

English.	Tamil.	Malayalam.
Shrikes and Minivets.	Karatti, a general name for the two shrikes, e. g., Kichang Karratti (bay-backed shrike); Perum-karrati (Indian grey shrike).	Atakka pakshi. (doubtful)
Drongos or King crows.	Karum-kuruman; also Karuvatuvalv (common drongo shrike) and Vellai Karum-kuruman or Vella Karuvattu Valy (white-bellied drongo).	Malankakka, Thondankakka, Karatancattan and Kakkatampuran.
Fly-catchers.	The Paradise fly-catcher is called in Tamil Nigala-Valbulbul, *i. e.*, long-tailed bulbul.	Erattathalachi and Tumbela pakshi.
Ground-thrushes.	The yellow-brested ground-thrush is called Ponnanthutan.	Chanokkili.
Babbling-thrushes	...	Pappati and Tintari pakshi.
Babblers and ground-babblers.	Hunni (striated bush-babbler).	...
Ground-babblers.	Kalli kuruvi, *i. e.*, hedge bird, also commonly called Panni kuruvi.	Puluranchan, Puttamkiri and Chetala.
Warblers.	Kotta-pakka Chittu, (Indian tailor bird) and Valam Chittu, (common wren warbler).	Ammayi pakshi.
Chats.	...	Chavattilakili Tottamchati and Nila Atakka pakshi.
Red starts, robins.	Red starts are called Nilachittu, and robins are called Dayar, e. g., (magpie robin, and wannathi kuruvi) *i. e.*, washerman bird, *i. e.*, Indian black robin.	Onakkili and Vannathipullu.
Wagtails and Pipits.	Wagtails are called Valatti kuruvi or Mamula, Pipits have no Tamil name.	Mutukunni, Valatti, Kuntiyatti, Bhumi-kulukki and Vanam-pati pakshi.
Crow tits.		Koyakkili

Revised Forest Rules, passed by the Government under date the 14th March 1913, corresponding to the 1st Meenam 1088.

In supersession of the Forest Rules published at pages 223—229 of the Government Gazette dated the 23rd February 1904/11th Masi 1079, the following Rules are passed under Section 22 and other Sections to be named hereafter of the Forest Regulation, II of 1068 (as amended by Regulation IV of 1071 and by Regulation IX of 1085):

Provided that they shall not apply to avenues, tank-bunds and other lands specially placed in the charge of other Departments.

These Rules shall come into force from the 1st Meenam 1088/14th March 1913.

Rules under Section 22.

1. Subject to all rights now legally vested in individuals and communities, the use of the pasturage and of the natural produce of lands at the disposal of the Government and not included in a Reserved Forest shall be regulated by the following Rules.

2. Land at the disposal of the Government may, for the purpose of these Rules, be classed as follows:—

(*a*) land of which the Government have acquired the ownership or possession by purchase, lease or otherwise;

(*b*) assessed but unoccupied land;

(*c*) unassessed and unoccupied land;

(*d*) unassessed, unregistered but occupied land;

(*e*) assessed, unregistered but occupied land.

3. 'Reserved land' includes all land notified under Section 4 of the Forest Regulation and any area specially declared by the Conservator of Forests to be 'Reserved land' in the manner prescribed by Rule 9 *infra*. Land at the disposal of the Government, but not notified as 'Reserved land,' will be held to be 'Unreserved land'.

4. No Reserved land shall be cleared or broken up for cultivation, and no Patta shall be granted for such land, without the sanction of the Dewan.

On conviction of an offender for infringement of this Rule, the produce on the land, if any, shall be liable to confiscation, in addition to such punishment as may be inflicted under Rule 19 *infra*.

The Dewan may authorise the Conservator of Forests to lease out any portion of a 'Reserved land' for such periods and subject to such conditions as the Dewan may consider necessary.

5. Unreserved land may be granted on Patta, but when it is so assigned, the value of any trees standing on it and of any timber found on it, as assessed by the Land Revenue Department, must be paid before the applicant is put in possession.

6. It shall not be lawful for any one to clear or cultivate any Unreserved land in or adjacent to Reserved Forests, or having any timber-trees standing on such land, or fell or injure any tree growing thereon, or to interfere with any tree lying there, before he is put in possession of such land by competent authority. In addition to any punishment to which a person acting in contravention of this Rule may be liable under the law, any produce on the land shall be liable to confiscation.

7. Between the 1st Makaram and the last day of Medam in each year, no person shall wilfully or negligently set fire to any tree, timber, grass or other forest produce, or kindle or keep burning any fire in any Reserved land, or in any Unreserved land adjacent to a Reserved Forest or Reserved land.

8. Should a fire break out in a Reserved or Unreserved land, it shall be incumbent upon the inhabitants of the village or villages in the neighbourhood, to assist the Forest Department to extinguish the fire. Failure to do so will involve the suspension for a time, or the withdrawal by the Government, of the concessions allowed under Rule 10.

9. The Conservator of Forests may, with the sanction of the Dewan, select any Unreserved land to be placed under

special protection as a fuel or fodder Reserve or grazing ground or for any other special purpose, and notify the same in the Government Gazette as a Reserved land. He may similarly select any Reserved land notified under Section 4 or any portion thereof for special protection. After the limits of such areas have been notified in the Gazette, no person shall wilfully or negligently set fire to any tree, timber, grass, or other forest produce or shall kindle or keep burning any fire within them except at such places and subject to such precautions as may be prescribed by the Conservator of Forests by Notification in the Government Gazette.

The Conservator of Forests may, with the sanction of the Dewan, cancel such Notification by a like Notification in the Government Gazette when the necessity for treating such area as a Reserved land ceases to exist.

10. On all Unreserved land in or adjacent to any village, the grazing of cattle, the felling of trees other than Royal or Reserved trees, and the collection and removal in head-loads of dry wood, thorns and leaves of trees and shrubs other than Royal or Reserved trees, and grass for thatching or fodder, are permitted free of charge, provided that the trees, wood, thorns, leaves, grass or pasturage are required by the inhabitants of that or of neighbouring villages for agricultural or domestic purposes. Proverthicars or heads of villages will be held responsible for seeing that the above privileges are not abused, and in cases of dispute, the Dewan Peishkar will decide which are neighbouring villages within the meaning of this Rule.

11. Subject to the exceptions laid down in Rule 10, no person shall fell, girdle, mark, lop, tap, uproot, burn or strip bark or leaves from, or otherwise damage, any tree growing on any Reserved or Unreserved land, use, injure or remove the timber or collect the natural produce of such trees or land, unless such person be duly authorised in this respect.

12. All the trees, pasturage and natural produce of Reserved and Unreserved lands shall vest in the Forest Department. The felling, conversion or removal of trees and

timber, and the collection or removal of other natural produce from such lands, may be effected in one or other of the following ways :—

(*a*) Departmentally, that is, by the officers of the Forest Department having control over the produce, or by persons acting under their immediate superintendence, control or orders ;

(*b*) by persons holding permits duly issued by a Forest officer or by other persons authorised in that behalf by a competent Forest officer ;

(*c*) by persons holding the right under a lease or contract granted by the Conservator of Forests or any officer duly authorised by him.

13. The Conservator of Forests may appoint, by Notification in the Government Gazette, any person or class of persons by name or by virtue of office to issue or recover permits under the foregoing Rules, and may also prescribe Watch Stations or places at which the timber or other forest produce shall be brought for examination and where permits shall be checked or recovered. Permits must be obtained before any felling, conversion, collection or removal is commenced. Permit-holders must comply with the regulations of the Forest Department and the conditions entered in the permit.

14. No person shall quarry or collect stones, lime, gravel or earth in any Reserved land without the written permission of the Conservator of Forests or other officer authorised by him and without the payment of any fees that may be prescribed. Quarrying and the collection of stone and the other articles mentioned above are allowed in Unreserved lands save in such places as have been specially closed.

15. No person shall boil catechu, distil wood or essential oil, or burn line or charcoal, in any Reserved land or Unreserved land adjacent to a Reserved Forest, save in such places as may be specially set apart for the purpose, and under such conditions as may be prescribed by the Conservator of Forests or other officer duly empowered by him.

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16. No person shall cut grass or graze or pen cattle in any Reserved land, save with the sanction in writing of an officer authorised by the Conservator of Forests to permit it and in accordance with the Rules now in force or that may, from time to time, be passed by the Government.

17. All persons bringing foreign cattle to graze on land at the disposal of the Government within Travancore, shall pay the fees prescribed by the Government, after which a license shall be granted to them stating therein the amount of fees paid, the number of cattle allowed to graze, the limits within which they may graze and the period of grazing, and it shall not be lawful to allow cattle to graze before such license has been obtained, or after the period has expired.

18. All cattle on which the fees have not been paid or those found grazing beyond the limits and period stated in the license, may be seized and impounded by any Forest or Police officer, under Regulation IV of 1086.

Such seizure or impounding shall not bar the prosecution of the offender for breach of Rules 16 and 17.

19. Whoever commits any breach or infringement of Rules 4, 6, 7, 9, 11, 13, 14, 15, 16, 17 and 18 shall be liable to punishment under Section 22 of the Forest Regulation.

Rules under Sections 31, 32, 33 and Clause (d) of Section 60.

1. Trees of the following species are Royal and Reserved trees :—

Royal trees

1. Tectona grandis—Teak or Thekku.
2. Dalbergia latifolia—Blackwood or Eatti.
3. Diospyros assimilis } Ebony, Karungali, or
4. Diospyros ebenum } Karumthali.
5. Santalum album—Sandalwood or Santhanam.

Reserved trees.

1. Artocarpus hirsuta—Anjili or Ayani.
2. A.—Integrifolia—Jack or Pilavu.

3. Hopea Parviflora—Thumbagom or Kongu.
4. Pterocarpus Marsupium—Vengai.
5. Stereospermum Xylocarpum—Edankornai or Pathiri.
6. Terminalia Tomontosa—Thembavu or Karimaruthu.
7. Dysoxylum Malabaricum—White cedar or Agil.
8. Xylia Dolabriformis—Irul or Kadamaram.
9. Lagerstrœmia Lanceolata— Venteak.
10. Calophyllum Tomentosum—Punnappa.
11. Calophyllum Wightianum—Cherupunna.
12. Cedrela Toona—Red cedar or Mathagirivembu or Thevatharom.
13. Albizzia Lebbek—Vaga.
14. A.—Procera—Karinthagara or Velvaga.
15. A.—Odoratissima—Karivagai.
16. Vitex Altissima—Myla.
17. Adina Cordifolia—Manjacadamboo.
18. Lagerstrœmia—Flos—Reginœ—Manimaruthi.
19. Schleichera Trijuga—Puvan.
20. Bridelia Retusa—Mulluvengai.
21. Terminalia Paniculata—Maruthu.
22. Grewia Tiliæfolia—Unnam or Chadicha.
23. Anogessus Latifolia—Vekkali or Marukanjiram.
24. Lophopetalum Wightianum—Venkotta.
25. Terminalia Chebula—Kadukkay.
26. Mosua Ferrea—Nangu.
27. Vateria Indica—Payin (white dammer).
28. Thespesia Populnea—Puvarassan.
29. Aglaia Roxburghiana—Chokkala.
30. Mangifera Indica—Mavu.
31. Tamarindus Indica—Puli.
32. Bassia Longifolia—Illupei.
33. Sapindus Trifoliatus—Pasakotta.
34. Canarium Strictum—Thelli (Black dammer).
35. Buchanania latifolia—Morala.
36. Hardwickia Pinnata—Koda Palei.

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37. Ailanthus Malabaricus—Matipal.
38. Strychnos Nux-Vomica—Kanjiram.
39. Pœciloneuron Indicum—Puthangkolli.
40. Dipterocarpus Bourdilloni—Karanjili.
41. D. ———Indicus—Vellaini.
42. Chickrassia Tabularis—Mala Veppu.
43. Gluta Travancorica—Shenkuranthi (Redwood).
44. Stercospermum chelonoides—Pombathiri.
45. Chinnamomum Zeylanicum—Karuva.
46. Hopea Wightiana—Ila Pongu.
47. Cassia Fistula—Konnei.
48. Polyalthia Fragrans—Nedunar.
49. Eugenia Jambolana—Naval.
50. E. ———Gardneri—Kari-nyari.
51. E. ———Chavaran—Chavaran.
52. Acacia Arabica—Karivelam.
53. Prosopis Spicigera—Parumbe.
54. Kurrimia Pibartia—Kadapala or Palumoran.
55. Filicium Decipiens—Ningal or Niroli.
56. Acrocarpus Fraxinifolius—Kuranjun.
57. Cullenia Excelsa—Vedapla or Karaim.
58. Bischofia Javanica—Nannal or Tirippu.
59. Hardwickia Binata—Acha.
60. Chloroxylon Swietenia—Vaimaram.
61. Shorea talura.

2. The Conservator of Forests, or an officer authorised by him, may cause to be lopped or felled or removed, the Royalties growing or found on any private land, and any trees growing or found on land permanently granted for cultivation or other purposes, in which the right of the Government in the said trees has been expressly reserved in the deed, in the same manner as he is authorised to deal with trees found on land at the disposal of the Government as laid down in these Rules, and for such purposes the land may be entered on without obstruction on the part of the owner or occupant:

Provided that, in accordance with Section 31 of the Regulation, the owner of private property on which any Royal tree is standing may fell it *for his own use* under the supervision of a Forest officer not below the rank of a Forester, on payment of *one-half* of the value of the tree determined at the tariff rate fixed for the sale of such timber at the nearest Government Depot. When any Royal tree is removed from such property on account of the Government, the owner shall be entitled to *one-half* of the net profit accruing from the disposal thereof.

3. The lopping, cutting, maiming or otherwise maltreating any Royal tree, whether growing on land at the disposal of the Government, or on private land as described in Rule 2, or any Reserved tree standing in forests or other land at the disposal of the Government or on land not permanently assessed to public revenue, is strictly prohibited.

4. It shall not be lawful to import timber or forest produce into Travancore, or to export one or the other, save by the following routes and unless accompanied by a pass as specified in Rule 6 :—

(1) the ports of Munambom, Alleppey, Quilon, Trivandrum and Colachel ;

(2) by water at Vallam, Verapulay and Arukutti ;

(3) by land at Ankamali, Aramholi, Kannupelli Mettu, Shencotta, Mekkara, Kumili, Ramakal, Thevaram and Chinnar ;

(4) by Railway at Shencotta, Edapalli, Alwaye and Ankamali.

In this and the following Rules, "timber" includes all classes of timber as defined in the Forest Regulation, except timber not grown in India, timber fashioned into doors and windows and into articles of furniture, boxes or bales, timber removed under the concession granted in Rule 10 passed under Section 22, and small wood for fuel not exceeding 2½ ft. long and 6 inches in diameter.

5. It shall not be lawful to remove timber or forest

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produce by land, by rail or by water, in any part of Travancore, unless it is covered by a pass as specified in Rule 6, and unless it is stamped in the case of timber with a Government stamp or a stamp registered as laid down in Rule 10 :

Provided that timber collected by permit-holders or contractors of the Forest Department may be moved within Travancore without a pass to places selected by the Forest Department for checking and stamping it.

6. All passes granted by the officers of the Forest Department, whether for export out of Travancore or for transport within the State, of timber or other forest produce, shall be in Form I and shall be printed.

In the case of timber and forest produce sold from a sale Depot situated within the limits of a town, it shall be enough if the timber and forest produce be covered by a way-permit in Form No. I A in cases where the produce is not intended to be conveyed beyond the limits of the town in which the depot is situate and is for consumption within such limits.

In the case of timber and forest produce imported from abroad, the pass shall be in Form II and may be either written or printed.

In the case of timber or forest produce transported from place to place within Travancore, by merchants or others who have registered their property-marks, the pass shall also be in Form II printed, the Forms being obtained from the Forest Department.

The language employed must be English, Malayalam or Tamil.

7. Passes in Form I shall be printed in triplicate and shall have all the columns filled up by a duly authorised officer, who shall sign and date each part, hand over the original to the applicant, send the duplicate to the officer in charge of the Division or Range, as the case may be, and keep the triplicate attached to the book as a counterfoil for record in his office.

(i) Export passes will be printed on red paper and marked "Export" and will be issued by Divisional Forest

Officers or other officers authorised by the Conservator of Forests to issue them, on production of proof that the article mentioned has been properly obtained.

(ii) Passes for Government timber or forest produce purchased from Government land or from Government Depots or elsewhere will be printed on white paper and issued by Range or Depot Officers or by any officer authorised in that behalf by the Conservator of Forests.

(iii) Passes for private timber or forest produce, except bamboos which shall be governed by Rule 11 *infra*, grown on private lands, shall be printed on yellow paper and be marked "private" and shall be issued by the Divisional Forest Officer on production of proof that the timber or forest produce was obtained from the locality stated in the application.

(iv) Passes for transport of Government timber or forest produce from a forest to a sale Depot, or from a sale Depot to another, or from one place to another within Travancore, shall be printed in Form III in quadruplicate and issued by the Range, Depot or other officer authorised by the Divisional Forest Officer, whether such timber or forest produce is worked down by Forest subordinates or by contractors employed by the Forest Department for the purpose.

Where difficulty is experienced by Forest subordinates or contractors in moving at the same time all the timber or forest produce, covered by a single pass, the Divisional Forest Officer may issue to such subordinates or contractors a numbered pass-book known as a handyman's pass-book in Form III A and will at the same time authorise the Forest subordinate or contractor or his agent to issue one of these passes for each bandy-load or raft of timber or forest produce. All the columns in the pass shall be filled up by the Forest subordinate or the contractor or his agent as the case may be, and it shall be signed and dated by him. Every such pass shall bear the number and the date of the pass in Form III under which it was granted and it shall be recovered and filed by the Depot Officer when the timber is received in the Depot. These passes will take the place of the pass in Form III.

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which shall, however, be sent with the last pass in Form III A.

8. Passes in Form II shall be in duplicate and shall have the columns filled up by a foreign Government officer or by the owner or his authorised agent; the original shall be handed over to the person authorised to move the timber or forest produce, and the duplicate shall be kept as a counterfoil for at least one year from the date of issue, and shall be produced for inspection at any time within that period on the application of any Forest officer not below the rank of a Forester.

Passes issued under the above Rules shall not be valid unless all the columns have been filled up and unless they have been duly signed and dated, and in the case of passes issued by Forest officers, stamped with the official seal of Divisional Forest Officers, while those issued by merchants and others in Form II are stamped with their registered property-mark.

9. Passes referred to in the above Rules shall invariably accompany the timber or forest produce which they cover and shall be produced with the articles mentioned in them at the frontier Stations when imported or exported and at every Forest Watch or Checking Station on the route traversed. They shall also be produced when demanded by any Forest, Police or Revenue officer:

Provided that it shall not be lawful to take any timber or forest produce by any other route than that mentioned in the pass, or to take any timber or forest produce off any road or river, on which a Watch or Checking Station has been placed, with the intention to evade the production of the article at the Watch Station. The quantity of timber or forest produce must not be greater than or different from that entered in the pass and, if it is less, the quantity actually passed every time should be entered on the back of the pass and the entry signed and dated by the checking officer and the pass returned to the person producing it to cover the timber or other article mentioned in it during further transit till it reaches its destination: Provided that the total quantity removed does not

exceed that entered in the pass and that the last removal is within the time noted in the pass.

10. With the exception of imported timber, all timber in transit must, for purposes of identification, be stamped. All timber for which passes are given by Government servants will be stamped with a Government stamp, but timber transported by merchants and others owning or trading in timber must be impressed with private stamps or property-marks. All such stamps or property-marks shall be registered at the office of the Divisional Forest Officer through whose Division the timber will pass, and it shall not be lawful to use any mark which has not been registered. For the purpose of registration or renewal of a property-mark, it shall be open to the Divisional Forest Officer, or to any officer not below the rank of a Deputy Ranger deputed by him, to inspect the timber-yard or trading place of the applicant, check the timber or other forest produce, or the accounts of the applicant, before or at any time after registration or renewal of his property-mark. The fee for the registration of each property-mark shall be Rs. ten, and for each renewal of the registration thereof Rs. five. The registration shall hold good until the 32nd Audi following the date of issue. A certificate of registration shall be granted by the Divisional Forest Officer in Form IV to the person registering:

Provided that the Divisional Forest Officer may refuse registration and may cancel the registration of any property-mark, if he considers that such property-mark cannot be easily distinguished from a Government mark or from a property-mark used by another person, or for other good and sufficient reason which shall, in every case, be placed on record by him. Against such refusal, an appeal shall lie, within 45 days from the date of receipt of the Divisional Forest Officer's order, to the Conservator of Forests, whose decision shall be final.

11. Persons desirous of cutting and removing bamboos growing on Unreserved land may be permitted to do so on payment of the fees prescribed from time to time. The license

permitting such removal shall be given in Form V by the Range Officer of the Range where the bamboos are growing. Bamboos growing on private property adjacent to the forests may be moved under a pass to that effect granted by the Range Officer, and, if at a distance exceeding three miles from the forests, by the Tahsildar of the taluk.

It shall not be lawful to move bamboos from place to place by land or by water unless covered by a pass as required above. Such passes must be presented at all Forest Depots and Watch Stations, and must be shown to any Forest, Revenue or Police officer demanding them.

12. The Conservator of Forests may, with the sanction of the Government, open new Depots or Watch or Checking Stations, or close those in existence, at any time. The names of all such Depots or Stations opened and the closing of others shall be published in the Gazette, and they shall be considered as opened or closed, as the case may be, from the date of publication of such Notification.

13. If any tree falls or if any timber sinks or lies floating in the water of any river, stream, canal, creak, or other channel, natural or artificial, in the State, in such manner as to obstruct the passage of boats or timber-rafts, the person in occupation of the ground where the tree was growing or the person in charge of the timber which has sunk or lies floating, shall, within 24 hours, cause the removal thereof.

Any person whose boat or timber-raft is obstructed in its passage, or any Revenue, Police, Public Works or Forest official, may forthwith cause the removal of any such obstruction, and may report the fact to the nearest Magistrate having jurisdiction, whose order as to the recovery of expenses thus incurred shall be final.

14. It shall not be lawful to close or obstruct a stream or river or channel, or other water-way, natural or artificial, by throwing timber, brushwood, stones or earth or any other material or in any other manner, so as to prevent or obstruct the floating or rafting of timber or passage of boats.

Such obstruction may be removed by any Forest, Revenue or Police officer, and the cost of such removal shall be recovered from the person causing the obstruction in addition to any punishment to which he will be liable under Rule 19 *infra*.

15. It shall not be lawful for any person to float or store up timber or forest produce, or take any other material, in such manner as to cause damage to any bridge, lock or other public works, constructed over rivers, streams, channels, or other water-ways, natural or artificial. In any action done in contravention of this Rule, if any damage occurs to any bridge, lock or other public works, compensation for such damage shall be recovered from the offender in addition to any punishment that may be inflicted on him under Rule 19 *infra*. The timber, forest produce, or other material, the taking of which caused the damage, will be liable to detention until the case against the offender is disposed of and all fines, compensation, etc., are recovered from him, unless release of such materials is ordered by the Magistrate or the Divisional Forest Officer, on tendering sufficient security.

16. The officers of the Forest Department may store timber on private land or transport it across such land, if such a step is necessary; and if any damage or loss is caused by such storage or transport, fair compensation shall be paid for the same or the damage shall be repaired at the expense of the Government. If compensation is to be paid, the damage shall be assessed by the Divisional Forest Officer.

17. All drift timber, all timber on which the marks do not clearly indicate the ownership, all unmarked timber, and all timber lying abandoned for six months, shall be deemed to be the property of the Government until the contrary has been proved, and all Forest and Police officers are authorised to take such timber to the nearest Depot or Watch Station or to make the necessary arrangements for its custody.

18. A Notification shall then be published by the Divisional Forest Officer in the Gazette calling for claimants for the timber so taken to put in their claims, within a stated time. If any person proves his claim to the said timber, it

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shall be handed over to him on payment of salvage and transport charges and also a reward to the informant if such is deemed to be due, but if no claim is proved, the timber shall be regarded as the property of the Government and shall be treated accordingly. A reward not exceeding one-third of the net sale price may be paid to the informant or person recovering the timber, at the discretion of the Conservator of Forests, provided that, in cases where the amount recommended to be paid does not exceed Rs. 10, it may be paid by the Divisional Forest Officer without reference.

19. Whoever commits any breach or infringement of Rules 3, 4, 5, 9, 10, 11, 13, 14 and 15 shall be liable to punishment under Section 35 of the Forest Regulation.

Rules under Clause (c), Section 60

1. In any case in which any person or persons has or have been convicted of an offence against the Forest Regulation, and a penalty or confiscation has been imposed, the Magistrate convicting the offender or offenders may grant, in such proportion as he thinks fit, to any person or persons who has or have contributed to the seizure of the property or the conviction of the offender or offenders a reward not exceeding one-third of the net value of the property confiscated and one-third amount of any fine imposed.

In cases where no reward has been granted by the Magistrate, the Divisional Forest Officer of the Division may, if he thinks that a reward should be paid, refer the matter to the Conservator with his recommendation.

2. In any case in which any person or persons has or have been convicted of an offence against the Forest Regulation, but in which no penalty or confiscation has been imposed, or in which any person has performed any service of special merit in respect of the prevention or detection of any such offence, the Divisional Forest Officer may recommend to the Conservator the grant of a reward.

3. Rewards granted under these Rules shall be disbursed at once, if they are less than Rs. 100. If they exceed that sum, Rs. 100 only shall be disbursed at once, and the rest,

after the period of appeal has expired or the appeal has been rejected. In the event of the conviction being reversed on appeal, the amount paid in rewards shall not be recovered from the persons to whom it was paid, unless it shall appear that they had acted fraudulently.

4. In cases where, under Section 51 of the Regulation, a Forest officer has accepted a sum of money as compensation for any damage which has been committed, or has released any property liable to confiscation on payment of its value, the Conservator of Forests may authorise the payment of a portion of the compensation levied and the value of the property released, not exceeding one-third in each case, as a reward to be divided among any persons who have contributed to the discovery of the offender.

5. Officers of the Government drawing Rs. 50 and upwards are ineligible for rewards under these Rules.

Rules under Section 59.

Under Section 59 of the Regulation, the Conservator of Forests and all officers holding charge of Forest Divisions, and Deputy and Assistant Conservators on Special Duty, though not in charge of Forest Divisions, shall exercise the following powers within the areas of which they hold charge, the Conservator over the whole State, the Divisional Forest Officers, each in his own Division, and the Deputy and Assistant Conservators on Special Duty, within the Divisions in which their special duty is performed :—

(*a*) the powers of a Settlement officer under the Boundary Regulation, III of 1058, as amended by Regulation II of 1060;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents ;

(*c*) power to hold inquiries into forest offences and in the course of such inquiries to receive and record evidence and to issue search-warrants which may be executed in the manner provided by the Code of Criminal Procedure ;

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(*d*) power to accept compensation for forest offences under Section 51.

2. Any Forest officer duly empowered to exercise the powers defined in Section 51 shall, in compounding an offence under that Section, immediately record a statement setting forth the circumstances of the case and the sum for which he compounded it, and shall submit a copy of the statement for the information of the Conservator. The amount received as compensation shall be paid into the nearest treasury, and the number and date of the receipt of the same quoted in the copy of the statement.

3. All statements shall be carefully recorded in the office of the officer authorised to compound offences, and an abstract furnished yearly to the Conservator of Forests with the Annual Report.

[Counterfoil to be retained by the issuing officer.]

FORM NO. 1.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

.....
Signature of person granting the pass.

Date.

Station.

Designation.

[Duplicate to be sent to the officer in charge of the Range or Division, as the case may be]

FORM NO. I.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

.....
Signature of person granting the pass.

Date.

Station.

Designation.

TRAVANCORE FOREST DEPARTMENT.

.....Forest Division.

FORM NO. I.

Pass No.....

(White)

Pass for the transport of timber or Forest produce from Government Forests or Depots.

Name and residence of person to whom pass is granted.	Description of produce.	Quantity.	Fees paid, if any.	Marks.	Whence obtained.	Destination.	Route.	Time allowed.	Remarks.
1	2	3	4	5	6	7	8	9	10

Date.
Station.

.....
Signature of person granting the pass.

.....
Designation.

[Counterfoil to be retained by the issuing officer.]

FORM NO. I.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

Date.
Station.

.....

Signature of person granting the pass.

.....

Designation.

[Duplicate to be sent to the officer in charge of the Range or Division, as the case may be.]

FORM NO. I.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

Date.
Station.

.....

Signature of person granting the pass.

.....

Designation.

TRAVANCORE FOREST DEPARTMENT.

.....Forest Division.

FORM NO. I.

Pass No.....

(Red)

Pass for the export of timber or Forest produce.

Name and residence of person to whom pass is granted.	Description of produce.	Quantity.	Fees paid, if any.	Marks.	Whence obtained.	Destination.	Route.	Time allowed.	Remarks.
1	2	3	4	5	6	7	8	9	10

Date.

Station.

.....

Signature of person granting the pass.

Designation.

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[Counterfoil to be retained by the issuing officer.]

FORM No. I.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

.....

Signature of person granting the pass.

Date.

Station.

Designation.

[Duplicate to be sent to the officer in charge of the Range or Division, as the case may be.]

FORM No. I.

Pass No.....

1. Name and residence of person to whom pass is granted.
2. Description of produce.
3. Quantity.
4. Fees paid, if any.
5. Marks.
6. Whence obtained.
7. Destination.
8. Route.
9. Time allowed.
10. Remarks.

.....

Signature of person granting the pass.

Date.

Station.

Designation.

TRAVANCORE FOREST DEPARTMENT.

.....Forest Division.

FORM NO. I.

Pass No.....

(Yellow)

Pass for the transport of timber or Forest produce from PRIVATE lands.

Name and residence of person to whom pass is granted.	Description of produce.	Quantity.	Fees paid, if any.	Marks.	Whence obtained.	Destination.	Route.	Time allowed.	Remarks.
1	2	3	4	5	6	7	8	9	10

.....

Date.

Signature of person granting the pass.

Station,

Designation,

TRAVANCORE FOREST DEPARTMENT.

Form No. I A.

Way-Permit No.....

Issued under Rule...of the Rules under Section...of the Forest Regulation, II of 1068.

(Counterfoil to be retained by Depot Officer)

1. Name and residence of purchaser.
2. Description of produce.
3. Value paid.
4. Destination.
5. Time allowed.

Station.....

Date.....

Depot Officer...

TRAVANCORE FOREST DEPARTMENT.

FORM No. I A.

Way-Permit No.....

Issued under Rule...of the Rules under Section... of the Forest Regulation, II of 1068.

(Duplicate to be handed over to the purchaser)

Name & residence of purchaser.	Description of produce.	Value paid	Destination.	Time allowed.

Station.....

Date.....

Depot Officer...

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TRAVANCORE FOREST DEPARTMENT.

[Duplicate to be retained by the owner or his authorised agent]

FORM No. II.

Pass No.....

1. Name and residence of person to whom the pass is granted.
2. No of Certificate of registration.
3. Description of timber or Forest produce. } Species. No.
4. Quantity of { timber (in c. ft.) or Forest produce.
5. Marks, if any.
6. From what forest or land removed.
7. To what place removed.
8. Route.
9. Time allowed.
10. Remarks (here enter No. and date of original pass, if any)

Date.

Station.

Signature of person granting the pass.

TRAVANCORE FOREST DEPARTMENT.

.....Forest Division.

Pass for the $\frac{\text{transport}}{\text{import}}$ – of timber from .....

FORM No. II.

Pass No.....

Name and residence of person to whom the pass is granted.	No. of Certificate of registration.	Description of timber or Forest produce.		Quantity of timber (in c. ft.) or Forest produce.	Marks, if any.	From what forest or land removed.	To what place removed.	Route.	Time allowed.	Remarks (here enter No. and date of original pass, if any)
		Species.	No.							
1	2	3		4	5	6	7	8	9	10

Date.

Station.

.....

Signature of person granting the pass,

[Counterfoil to be retained by the issuing officer.]

Travancore Forest Department.

.....Forest Division.

Pass No.....

1. Name and residence of contractor or Forest subordinato to whom the pass is granted.
2. Description of produce.
3. Quantity.
4. Marks, if any.
5. From what forest or Depot or place.
6. To what Depot or place.
7. Route.
8. Time allowed.
9. Remarks.

Date.
Station.

Signature of R. O. or D. O. granting the pass.

Designation.

N. B.—Enter No., species & measurement of each log or description of produce covered by this pass on the back.

[Duplicate to be sent to the officer in charge of the Depot or place to which the timber is conveyed.]

Travancore Forest Department.

.....Forest Division.

Pass No.....

1. Name and residence of contractor or Forest subordinate to whom the pass is granted.
2. Description of produce.
3. Quantity.
4. Marks, if any.
5. From what forest or Depot or place.
6. To what Depot or place.
7. Route.
8. Time allowed.
9. Remarks.

Date.
Station.

Signature of R. O. or D. O. granting the pass.

Designation.

N. B.—Enter No., species & measurement of each log or description of produce covered by this pass on the back.

[Triplicate to be sent to the officer in charge of the Division or Range, as the case may be.]

Travancore Forest Department.

.....Forest Division.

Pass No.....

1. Name and residence of contractor or Forest subordinate to whom the pass is granted.
2. Description of produce.
3. Quantity.
4. Marks, if any.
5. From what forest or Depot or place.
6. To what Depot or place.
7. Route.
8. Time allowed.
9. Remarks.

Date.
Station.

Signature of R. O. or D. O. granting the pass.

Designation.

N. B.—Enter No., species & measurement of each log or description of produce covered by this pass on the back.

TRAVANCORE FOREST DEPARTMENT.

.....*Forest Division.*

FORM NO. III.

Pass for the transport of timber or Forest produce from Forest Depot or other place to another Depot or other place.

Pass No.....

Name and residence of contractor or Forest subordinate to whom the pass is granted.	Description of produce.	Quantity.	Marks, if any.	From what forest or Depot or place.	To what Depot or place.	Route.	Time allowed.	Remarks.
1	2	3	4	5	6	7	8	9

Station.
Date.

Signature of R. O. or D. O. granting the pass.
Designation.

N. B.—Enter No., species and measurement of each log or description of produce covered by this pass on the back.

TRAVANCORE FOREST DEPARTMENT.

FORM NO. III A.

Bandyman's pass No.....

Government pass No.....

Name of

1. Contractor or agent or Forest subordinates.
2. From where.
3. Destination.
4. Description and No. of timber or Forest produce.
5. Dimensions.
6. Marks, if any.
7. Time allowed.

Station..... Contractor or agent or Forest subordinates.

Date.....

Original.

TRANANCORE FOREST DEPARTMENT.

.....Forest Division.

FORM NO. III A.

Bandyman's pass No.....

Government pass No.....

Name of

1. Contractor or agent or Forest subordinates.
2. From where.
3. Destination.
4. Description and No. of timber or Forest produce.
5. Dimensions.
6. Marks, if any.
7. Time allowed.

Station..... Contractor or agent or Forest subordinates.

Date.....

Duplicate.

TRAVANCORE FOREST DEPARTMENT.

Duplicate to be retained in the office.

FORM NO. IV.

Registration Certificate No.

1. Name and residence of applicant.
2. Description of property-mark.
3. Forest Division for which mark is registered.
4. Amount of fee.
5. Date of registration or renewal.
6. Remarks.

Certified that.....residing at .....

.....registered/renewed the above property-mark

for the official year ending 32nd Audi 10 . .

Divisional Forest office.

10.. .

Divisional Forest Officer.

TRAVANCORE FOREST DEPARTMENT.

.....Division.

FORM NO. IV.

Registration Certificate No.

Name and residence of applicant.	Description of property-mark.	Forest Division for which mark is registered.	Amount of fee.	Date of registration or renewal.	Remarks.

Certified that.....residing at.....

.....registered/renewed the above property-mark for

the official year onding 32nd Audi 10... .

Divisional Forest office.

10... .

Divisional Forest Officer.

FORESTS—RULES.

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TRAVANCORE FOREST DEPARTMENT.

FORM NO. V.

Pass No.....

Issued under Rule.....of the Rules under Section.....of tho Forest Regulation, II of 1068.

1. Name and residence of the person to whom the pass is granted.
2. Description of produce.
3. Fees paid.
4. From what place to be collected.
5. To what place to be removed.
6. Route.
7. Time allowed.
8. Remarks.

Station.

Date.

Signature of the pass-issuing officer.

TRAVANCORE FOREST DEPARTMENT.

FORM NO. V.

Pass No.....

Issued under Rule.....of the Rules under Section.....of the Forest Regulation, II of 1068.

1. Name and residence of the person to whom the pass is granted.
2. Description of produce.
3. Fees paid.
4. From what place to be collected.
5. To what place to be removed.
6. Route.
7. Time allowed.
8. Remarks.

Station.

Date.

Signature of the pass-issuing officer.

REGULATION III OF 1068.

SUITS' VALUATION REGULATION.

CONTENTS.

Preamble.

Sections.

1. Short title.
   Commencement.
2. Value of certain classes of suits for purposes of jurisdiction and taxation of pleaders' fees.
3. Power to fix value of other suits.
4. Objection to jurisdiction to be taken before settlement of issues.

Passed by His Highness the Maha Rajah of Travancore on the 19th January 1893, corresponding to the 8th Makaram 1068.

A Regulation to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of Courts and for the purpose of assessing pleaders' fees for purposes of taxation of costs.

Preamble.

Whereas it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of Courts and for the purpose of assessing pleaders' fees for purposes of taxation of costs; We are hereby pleased to enact as follows:—

Short title. Commencement.

1 This Regulation may be called the "Suits' Valuation Regulation of 1068", and shall come into force on the 1st Chittrai 1068.

Value of certain classes of suits for purposes of jurisdiction and taxation of pleaders' fees.

2. Where, in suits referred to in the Court Fees Regulation of 1062, Section 4, paras I, II, III, V, VI, VII, VIII and IX, court fees are payable *ad valorem* under the Court Fees Regulation of 1062, the value as determinable for the computation of court fees and the value for purposes of jurisdiction and taxation of pleaders' fees, shall be the same.

Power to fix value of other suits.

3. The High Court may, with Our previous sanction, direct that suits of any class other than suits mentioned in the Court Fees Regulation, Section 4, paras I, II, III, V, VI, VII, VIII and IX, shall be treated as if their subject-matter were of such value as the High Court thinks fit to specify in this behalf.

Objection to jurisdiction to be taken before settlement of issues.

4. Notwithstanding anything in Section 547 of the Civil Procedure Code, no Court of Appeal or Revision shall entertain an objection that, by reason of the over-valuation or under-valuation of a suit, a Court of first instance which had not jurisdiction with respect to the suit exercised jurisdiction with respect thereto, unless the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded.

Rules framed by the High Court under Section 3 of the Suits' Valuation Regulation, III of 1068, and sanctioned under date the 20th October 1894, corresponding to the 5th Thulam 1070.

1. The value of suits for the removal of Karanavers, of trustees of Charities, Mutts, Temples or other Religious institutions or of Managers or Kariasthers, shall be assumed to be [British rupees two thousand](a) for purposes of jurisdiction and taxation of Vakils' fees, unless it be shown that the value of the property under their control or management is below British rupees two thousand In the latter case, the actual value of the property shall be taken to be the value for purposes of jurisdiction and taxation of Vakils' fees.

2. The value of suits, relating to marriages, divorce, restitution of conjugal rights, recovery of a minor wife and custody of a child, shall be taken to be [British rupees two thousand] (a)

(a) Substituted by G. O. No. J. 5860, dated the 18th Nov. 1909.

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REGULATION IV OF 1068.

ESTATES' RENT RECOVERY REGULATION.

CONTENTS.

Preamble.

Sections

1. Commencement.
2. Rights of holders.
3. Rates of assessment of rent.
4. Grant of waste lands how regulated.
5. Form in which rent-roll and other accounts are to be kept.
6. Mode of recovery of rents.
7. Estates liable for charges on account of recovery.
8. Sale of land to be free from encumbrances.
9. Saving of the Edappalli Chief's right as Jenmi

Passed by His Highness the Maha Rajah of Travancore on the 19th January 1893, corresponding to the 8th Makaram 1068.

A Regulation authorising the continuance of the existing practice in regard to recovery of rents due to the Estates of Kilimanoor and Edappalli.

Preamble. Whereas the arrears of rents due to the Estates of Kilimanoor and Edappalli have been hitherto recovered by officers of Our Government as arrears of public revenue, and whereas it is expedient to continue the existing practice and to clearly define the conditions on which these Estates are administred, We are pleased to enact as follows:—

Commencement. 1. This Regulation shall come into force on the 1st Vaikasi 1068.

Rights of holders. 2. The holders of land in the Estates of Kilimanoor and Edappalli shall have the same rights in respect of their holdings as the holders of land under Our Government.

Rates of assessment of rent.

3. The rent recoverable from the holders of land in the said Estates shall be at the rates assessed by Our Government from time to time.

Grant of waste lands how regulated.

4. The granting of waste lands shall be regulated, in respect of permanency of occupation and the rates of assessment, by the law and Rules for the time being in force for Government waste lands.

Form in which rent-roll and other accounts are to be kept.

5. The rent-roll and other accounts bearing upon the land shall be kept in the Form in which Our Government accounts are kept, and they shall be subject to the supervision of Our Government.

Mode of recovery of rents.

6. The rents due to these Estates shall be treated as public revenue and all arrears shall be recovered by Our officers in the manner prescribed by Regulation I of 1068, subject to such Rules as may be prescribed by Our Government from time to time.

Estates liable for charges on account of recovery.

7. The Estates shall be liable to pay all charges and losses that may be incurred in connection with any proceedings taken under Section 6.

Sale of land to be free from encumbrances.

8. The sale of land made for arrears of rent under the authority of this Regulation shall be free of encumbrances, if such sale is made to recover the rent due on the land sold.

Saving of the Edappalli Chief's right as Jenmi.

9. Nothing in this Regulation shall be construed to apply to lands held by the Edappalli Chief in his capacity of a Jenmi under the Royal Proclamation of 1042.

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PROCLAMATION.

By His Highness the Maha Rajah of Travancore, issued under date the 1st Edavom 1068, corresponding to the 13th May 1893.

Whereas Inams attached to specific services of any description have, from their nature and immemorial usage, been recognised as inseparable from the services for which they are granted, and inalienable; and whereas doubts have arisen as to the effect of paras 6 and 7 of Section 24 of the Royal Proclamation dated 24th February 1886/ 14th Kumbhom 1061, in respect of such Inams; and whereas it is expedient in the interests of the services concerned to remove such doubts; We are pleased to declare as follows:—

1. The provisions of paras 6 and 7 of Section 24 of the Royal Proclamation dated 24th February 1886/ 14th Kumbhom 1061, shall not be taken to apply to Service Inams described in para 1 of the same Section.

2. All alienations of Inam lands attached to specific services of any description which have been or which may hereafter be made, contrary to past usage, shall be treated as null and void. And it shall be competent to Our Government to resume the lands so alienated and re-attach them to the services:

Provided that Our Government may, at its discretion, deal with the resumed lands and the services connected therewith in any other manner it may deem fit.

3. No Civil suit shall lie against Our Government in respect of anything done under the last preceding Section.

PROCLAMATION.

By His Highness the Maha Rajah of Travancore, issued under date the 24th Karkatakam 1068, corresponding to the 7th August 1893.

Whereas it is Our earnest desire to lighten the burden of the Viruthi service and reduce its scope as far as compatible with the conditions of the Viruthi tenures and to secure substantial benefit to the Viruthicars; We are pleased to declare :—

1. that, from and after the 1st day of Chingam 1069, corresponding with the 15th August 1893, the Viruthicars shall be completely and permanently exempted from all the obligations now temporarily in abeyance, viz ;

(*a*) supply of provisions for the Tingal institutions at the Capital ;

(*b*) supply of provisions and materials for all mofussil charity and religious institutions ; and

(*c*) supplies for camp service on occasions of Our tours and those of members of Our family.

2. The Viruthi service shall from the said date be restricted to

(*a*) rendering simple personal labour obligatory under the Viruthi system throughout the State, and

(*b*) to the supply of provisions and materials in connection with the five annual festivals, the sexennial Murajapam and other ceremonies of an occasional or exceptional character, at the Capital, and other demands of a customary nature not falling within the exemption declared in para 1.

3. The revision of the Viruthi service and the redistribution of the service grants contemplated by the Proclamation dated 16th May 1886/4th Edavam 1061 shall be effected with due regard to the measure of relief herein conceded.

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REGULATION V OF 1068.

Passed by His Highness the Maha Rajah of Travancore on the 13th August 1893, corresponding to the 30th Karkatakam 1068.

A Regulation to amend the Limitation Regulation, II of 1062.

[Incorporated in Regulation II of 1062.]

REGULATION II OF 1070.

A Regulation to amend the Code of Civil Procedure, passed by His Highness the Maha Rajah of Travancore on the 3rd June 1895, corresponding to the 22nd Edavam 1070.

Whereas it is expedient to amend the Code of Civil Procedure; We are hereby pleased to enact as follows:—

Commencement.

1 This Regulation shall be read as part of the Code of Civil Procedure (Regulation II of 1065); and it shall come into force at once.

Sections 2 to 6—(Incorporated in Regulation II of 1065).

Suits, appeals and applications by or against Sreepadom Palace.

7. Suits, appeals and applications by or against the Sreepadom Palace shall be treated as suits, appeals and applications by or against Government.

Suits by or against Rulers of Native States under the suzerainty of Her Majesty the Queen-Empress of India.

8. The Ruler of any Native State under the suzerainty of Her Majesty the Queen-Empress of India may sue and shall be sued in Our Courts, in the name of his Minister or other officer, provided that such Minister or officer has been recognised by a Notification of Our Government published in Our Gazette as the representative of such Ruler.

The recognition made by the aforesaid Notification may have a retrospective effect from such date as may be mentioned in such Notification.

Our Government may, by like Notification, cancel any Notification made under the last two paragraphs of this Section, but not so as to invalidate any proceedings held previous to such cancellation.

No decree against such Ruler to be executed without sanction of Government.

9. No decree passed against the Ruler of a Native State under the suzerainty of Her Majesty the Queen-Empress of India, or against his Minister or officer in the representative capacity of such Minister or officer, shall be executed without the previous sanction of Our Government.

Such decree to be executed only on Ruler's immovable property in Travancore.

10. Subject to the provisions of Section 9 of this Regulation, the decree passed against the Ruler of a Native State under the suzerainty of Her Majesty the Queen-Empress of India, or against his Minister or officer in the representative capacity of such Minister or officer, shall be executed *only* on the immovable property of such Ruler situated in Travancore.

When two Munsiffs are assigned same local jurisdiction, one to be Principal District Munsiff and the other Additional District Munsiff.

11. If Our Government assign the same local jurisdiction to two Munsiffs, they shall declare which of them shall be deemed the Principal District Munsiff; and the other shall be Additional District Munsiff and shall take cognizance only of such suits and applications as may, by special or general order in this behalf, be directed by the High Court.

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REGULATION III OF 1070.

Passed by His Highness the Maha Rajah of Travancore on the 14th June 1895, corresponding to the 1st Mithunam 1070.

A Regulation to repeal the Police Superannuation Regulation (III of 1060).

Preamble

Whereas it is deemed necessary to afford relief to all grades of Policemen now subject to a monthly deduction from their pay as a contribution to the Police Superannuation Fund, under the provisons of Regulation III of 1060; We are pleased to enact as follows :—

Repeal of Regulation III of 1060.

1. Regulation III of 1060 is hereby repealed.

No Policeman to contribute to the Fund.

2. From the passing of this Regulation, no deduction shall be made from the pay of any Policeman on account of the Police Superannuation Fund.

Amount already realised to be at the disposal of Government; and no payment from the Fund claimable by contributor or his legal representatives.

3. It shall be lawful for Our Government to carry to its credit the amount already realised by such deduction and all and every other source of addition to the said Fund with all interest accrued or accruing thereon ; and no contributor to that Fund, his heirs, executors, administrators or assigns shall have any claim whatever, to any payment from that Fund or any part thereof, by virtue of such contribution or other accretion.

All fines and other items of accretion to the Fund to be credited to Government.

All fines, penalties, stoppages of pay and allowance, and other items of accretion to the Police Superannuation Fund, provided in Section 2 of Regulation III of 1060, shall hereafter be carried to the credit of Our Government.

Commencement.

4 This Regulation shall come into force on the passing thereof.

REGULATION I OF 1071.

PRISONS REGULATION.

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Passed by His Highness the Maha Rajah of Travancore on the 9th November 1895, corresponding to the 25th Thulam 1071.

A Regulation to provide for the management of prisons.

Preamble.

Whereas it is expedient to regulate the management of prisons in Travancore, and to provide Rules for the regulation of such prisons; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Regulation may be called the "Prisons Regulation of 1071".

(2) It extends to the whole of Travancore.

(3) It shall come into force on the first day of Chittrai 1071.

Saving of Rules, &c., in force.

2. All Rules and appointments made, directions given and orders issued, which are in force on the day this Regulation comes into force, shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

Definitions.

3. In this Regulation—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of Our Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the Police;

(*b*) any place specially appointed by Our Government under Section 418 of the Code of Criminal Procedure (Regulation V of 1067); or

(*c*) any place which has been declared by Our Government, by general or special order, to be a subsidiary jail:

(2) "Central Prison" means the prison in Trivandrum:

(3) "Criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising Criminal jurisdiction, or by order of a Court-Martial:

(4) "convicted Criminal prisoner" means any Criminal prisoner under sentence of a Court or Court-Martial and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure (Regulation V of 1067):

(5) "Civil prisoner" means any prisoner who is not a Criminal prisoner:

(6) "Remission system" means the Rules which may be made by Our Government regulating the award of marks to, and the consequent shortening of sentences of, prisoners:

(7) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Regulation or the Rules thereunder:

(8) "Medical subordinate" means a Sub-Assistant Surgeon, Apothecary or Assistant Apothecary: and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any Rule under this Regulation.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

Accommodation for prisoners.

4. Our Government shall provide, for the prisoners in Our territory, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Regulation in respect of the separation of prisoners.

Officers of the Central Prison.

5. For the Central Prison there shall be a Superintendent, a Medical officer (who may also be the Superintendent,) a Medical subordinate, a Jailor and such other officers as Our Government thinks necessary.

The Superintendent of the Central Prison may also be invested by Our Government, by Notification in the Government Gazette, with power to inspect and report upon, or exercise such supervision over, all or any of the other prisons as the Government may prescribe from time to time, and such power may also be withdrawn by a like Notification.

Officers of other prisons.

6. For every other prison there may be appointed a Superintendent, a Medical officer (who may also be the

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Superintendent,) or a Medical subordinate, a Jailor and such other officers as our Government thinks necessary.

Temporary accommodations for prisoners.

7. Whenever it appears to Our Dewan that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by Our Dewan for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS GENERALLY.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by Rules under Section 59.

Officers not to have business-dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business-dealings directly or indirectly with any prisoner.

Officers not to be interested in prison-contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Officers not to have any other employment.

11. No officer of a prison shall, without the sanction of Our Dewan in writing, be concerned in any other employment.

Superintendent.

Superintendent.

12. Subject to the orders of Our Dewan, so far as they are not inconsistent with the provisions of this Regulation, the Superintendent shall manage the prision in all matters relating to discipline, labour, expenditure, punishment and control.

Records to be kept by Superintendent.

13. The Superintendent shall keep, or cause to be kept, the following records :—

(1) a register of prisoners admitted ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences ;

(4) a Visitors' book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison ;

(5) a record of the money and other articles taken from prisoners ; and

all such other records as may be prescribed by Rules under Section 59.

Medical officer.

Duties of Medical officer.

14. Subject to the control of the Superintendent, the Medical officer or Medical subordinate shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by Rules made by Our Government under Section 59.

Medical officer to report certain cases.

15. Whenever the Medical officer or, where there is no Medical officer, the Medical subordinate, has reason to believe that the mind of a prisoner is, or likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medial officer or Medical subordinate ,as the case may be, shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to Our Dewan for information.

Report on death of prisoner.

16. On the death of any prisoner, the Medical officer or Medical subordinate, as the case may be, shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :—

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(1) the day on which the deceased first complained of illness or was observed to be ill ;

(2) the labour, if any, on which he was engaged on that day ;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the Medical officer or Medical subordinate was first informed of the illness;

(6) the nature of the disease ;

(7) when the deceased was last seen before his death by the Medical officer or Medical subordinate ;

(8) when the prisoner died ; and

(9) (in cases where a post-mortem examination is made) an account of the appearances after death ;

together with any special remarks that appear to the Medical officer or Medical subordinate to be required.

Jailor.

Jailor.

17. The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

Jailor to give notice of death of prisoner.

18. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical officer or subordinate.

Responsibility of Jailor.

19. The Jailor shall be responsible for the safe custody of the records to be kept under Section 13, for the commitment-warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailor of the Central Prison to be present at night.

20. The Jailor of the Central Prison shall not be absent from the Prison for a night without permission in writing rom the Superintendent; but, if absent without leave for a fnight from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

In prisons where the Jailor is permitted to reside elsewhere, the Superintendent shall arrange for the Jailor and the subordinate next in grade remaining by turns in the prison at night.

Powers of Deputy and Assistant Jailors.

21. When a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competont to perform any of the duties, and be subject to all the responsibilities, of a Jailor under this Regulation or any Rule thereunder.

Subordinate officers.

Duties of gate-keeper.

22. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailor.

Subordinate officers not to be absent without leave.

23. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from the Jailor.

Convict officers.

24. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Penal Code (Regulation II of 1056).

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

Prisoners to be examined on admission.

25. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every Criminal prisoner shall also, as soon as possible after admission, be examined by the Medical officer or subordinate, who shall enter or cause to be entered in a book to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical officor lor subordinate thinks fit to add.

(3) In tho case of female prisoners, the search and examination shall be carried out by the matron or a female warder under the general or special orders of the Superintendent, the Medical officer or subordinate.

Effects of prisoners.

26. All money or other articles in respect whereof no order of a competent Court has been made, and which may, with proper authority, be brought into the prison by any Criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor.

Removal and discharge of prisoners.

27. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical officer or subordinate.

(2) No prisoner shall be removed from one prison to another, unless the Medical officer or subordinate certifies that the prisoner is in a condition fit for removal.

(3) No prisoner shall be discharged against his will from his prison, if labouring under any acute or dangerous distemper, unless, in the opinion of the Medical officer or subordinate, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

Separation of prisoners.

28. The requisitions of this Regulation with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisoners;

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted Criminal prisoners shall be kept apart from convicted Criminal prisoners; and

(4) Civil prisoners shall be kept apart from Criminal prisoners.

Association and segregation of prisoners.

29. Subject to the requirements of the last foregoing Section, convicted Criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

Solitary confinement.

30. No cell shall be used for solitary confinement, unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical officer or subordinate.

Prisoners under sentence of death.

31. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor, and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

Maintenance of certain prisoners from private sources.

32. A Civil prisoner or an unconvicted Criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such Rules as may be approved by Our Dewan.

Restriction on transfer of food and clothing between certain prisoners.

33. No part of any food, clothing, bedding or other necessaries belonging to any Civil or unconvicted Criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this Section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to Civil and unconvicted Criminal prisoners.

34. (1) Every Civil prisoner and unconvicted Criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any Civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within 7 days after

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the receipt by him of a demand in writing, served through the Court under whose warrant he is detained, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and, in default of such payment, the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

Employment of Civil prisoners.

35. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction to be determined by the Superintendent for the use of implements and the cost of maintenance.

Employment of Criminal prisoners.

36. (1) No Criminal prisoner sentenced to labour, or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical officer or subordinate shall, from time to time, examine the labouring prisoners, and shall, at least once in every fortnight, cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time of examination.

(3) When the Medical officer or subordinate is of opinion that the health of any prisoner suffers from employment or any kind or class of labour, such prisoner shall not be employed on that labour, but shall be placed on such other kind or class of labour as the Medical officer or subordinate may consider suited for him.

Employment of Criminal prisoners sentenced to simple imprisonment.

37. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all Criminal prisoners sentenced to simple imprisonment: but no prisoner

not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the Rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

HEALTH OF PRISONERS.

Sick prisoners.

38. (1) The names of prisoners desiring to see the Medical officer or subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailor shall without delay call the attention of the Medical officer or subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical officer or subordinate respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medical officers.

39. All directions given by the Medical officer or subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as Our Government may by Rule direct, and the Jailor shall make an entry in its proper place stating, in respect of each direction, the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

VISITS TO PRISONERS.

Visits to Civil and unconvicted Criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison, of persons with whom Civil or unconvicted Criminal prisoners

may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailor may demand the name and address of any visitor to a prisoner, and, when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of any visitor.

In the case of female visitors, the search shall be made by the matron or a female Warder.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as Our Dewan may direct.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

43. Whoever, contrary to any Rule under Section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such Rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such Rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this Section, shall, on conviction before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both.

Power to arrest for offences under Section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing Section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall, without unnecessary delay, make him over to a Police officer, and thereupon such Police officer shall proceed as if the offence committed is a cognizable offence under Section 4 (*k*) of the Code of Criminal Procedure.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under Section 43 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by Rules made under Section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of insulting or threatening language;

(4) immoral or indecent or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing hand-cuffs, fetters or bars, without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history-tickets, records or documents;

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(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

47. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

(1) a formal warning;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form

(3) hard labour for a period not exceeding seven days in the case of convicted Criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the Remission system for the time being in force as may be prescribed by Rules made by our Government;

(5) the substitution of gunny or other coarse fabric, for clothing or other material, not being woollen, for a period which shall not exceed three months;

(6) imposition of hand-cuffs of such pattern and weight, in such manner and for such period, as may be prescribed by Rules made by Our Government;

(7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by Rules made by Our Government;

(8) separate confinement for any period not exceeding six months;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise *per diem* and to have his meals in association with one or more other prisoners;

(9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Our Government:

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(10) cellular confinement for any period not exceeding fourteen days:

Provided that after each period of cellular confinement, an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement;

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

(11) solitary confinement for any period not exceeding seven days:

Provided that, after each period of solitary confinement, an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement;

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Explanation.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(12) penal diet as defined in Clause (9) combined with solitary confinement as defined in Clause (11);

(13) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this Section shall render any female or Civil prisoner liable to the imposition of any form of hand-cuffs or fetters, or to whipping.

Plurality of punishments under Section 47.

48. Any two of the punishments enumerated in the last foregoing Section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

(1) formal warning shall not be combined with any other punishment except loss of privilege under Clause (4) of that Section;

(2) penal diet shall not be combined with change of labour under Clause (2) of that Section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement;

(3) solitary confinement shall not be combined with cellular confinement or with separate confinement, nor cellular confinement with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the Remission system.

Award of punishments under Sections 47 and 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing Sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of Our Dewan.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing Sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing Sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those Sections.

Medical officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under Section 47, Clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical officer or subordinate who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in Section 13.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case, he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

(4) In cases referred to in Clauses (2) and (3), the Superintendent shall, if there is a difference of opinion between himself and the Medical officer or subordinate, refer the same for the orders of the superior authority.

Entries in punishment-book.

52. (1) In the punishment-book prescribed in Section 13, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailor and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on commission of heinous offence.

53 If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences, or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Regulation to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment of either description which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47 :

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the First Class ; and

provided also that no person shall be punished twice for the same offence.

Whipping.

54. (1) No punishment of whipping shall be inflicted in instalments or except in the presence of the Superintendent and Medical officer or subordinate.

(2) Whipping shall be inflicted with a light ratan, not less than half an inch in diameter, on the buttocks, and in the case of prisoners under the age of sixteen, it shall be inflicted, in the way of school-discipline, with a lighter ratan.

Offences by prison subordinates.

55 (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any Rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for a period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment of either description for a period not exceeding three months, or to both.

(2) No person shall under this Section be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Extramural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent considers it necessary, with reference either to the state of the prison or the character of the prisoners, for the safe custody of any prisoners, that they should be confined in irons, he may, subject to such Rules and instructions as may be laid down by Our Government, so confine them.

Prisoners not to be ironed by Jailor except under necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailor of his own authority, except in the case of urgent necessity, in which case, notice thereof shall be forthwith given to the Superintendent.

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Power to make Rules.

59. Our Government may make Rules consistent with this Regulation—

(1) defining the acts which shall constitute prison-offences;

(2) determining the classification of prison-offences into serious and minor offences;

(3) fixing the punishments admissible under this Regulation which shall be awardable for commission of prison-offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Penal Code may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an out-break or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) regulating the transfer from one prison to another of prisoners whose term of imprisonment is about to expire;

(9) for the classification of prisons, and description and construction of wards, cells and other places of detention;

(10) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(11) for the government of prisons and for the appointment, and the guidance, control, punishment and dismissal of all officers appointed under this Regulation;

(12) as to the food, bedding and clothing of Criminal prisoners and of Civil prisoners maintained otherwise than at their own cost;

(13) for the employment, instruction and control of convicts within or without prisons;

(14) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

(15) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(16) for regulating the disposal of the proceeds of the employment of prisoners;

(17) for the classification and separation of prisoners;

(18) for regulating the confinement of convicted Criminal prisoners under Section 29;

(19) for the preparation and maintenance of history-tickets;

(20) for the selection and appointment of prisoners as officers of prisons;

(21) for rewards for good conduct;

(22) for regulating the transfer of prisoners whose term of imprisonment is about to expire;

(23) for the treatment, transfer and disposal of Criminal lunatics or recovered Criminal lunatics confined in prisons;

(24) for regulating the transmisson of appeals and petitions from prisoners and their communications with their friends;

(25) for the appointment and guidence of Vistiors of prisons;

(26) for extending any or all of the provisions of this Regulation and of the Rules thereunder to subsidiary jails or special places of confinement appointed under Section 418 of the Criminal Procedure Code and to the officers employed and prisoners confined therein;

(27) for regulating the service of judicial processes on prisoners, for their appearance in Courts and for obtaining their evidence;

(28) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Regulation.

60. Copies of Rules, under Section 59 so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access. Exhibition of copies.

61. All or any of the powers and duties conferred and imposed by this Regulation on a Superintendent or Medical officer may be exercised and performed by such other officer as Our Government may appoint in this behalf either by name or by his official designation. Exercise of powers of Superintendent and Medical officer.

Rules under the Prisons Regulation (I of 1071), regarding the management of the Central Jail, passed by the Government under date the 23rd April 1896, corresponding to the 12th Medam 1071.

THE SUPERINTENDENT.

1. The executive management of the Jail in all matters relating to internal economy, discipline, labour, expenditure, punishment and control generally, shall be vested in the Superintendent subject to the orders of and the Rules sanctioned by, Government.

2. The Superintendent shall make himself thoroughly acquainted with these Rules and with the Prisons Regulation and shall be generally responsible for the due carrying out of all such Rules, the observance of all provisions of the Regulation and the execution of all sentences on prisoners committed to his charge.

3. The Superintendent shall visit the Jail daily (Sundays excepted), and if he is unable to do so on any day from sickness or any other cause, shall record the fact and the cause of it in his journal. He shall occasionally visit the Jail after dark and satisfy himself that the guarding is being properly performed and that everything is in order.

4. The Superintendent shall keep a journal which he shall write up regularly every day with his own hand, and in which he shall record all occurrences of importance. Amongst other matters, the following shall be included, viz:—

(1) the hour at which the Superintendent visits and leaves the Jail daily and the number of hours spent in the Jail each day;

(2) the number of prisoners admitted and discharged daily, and whether they were personally inspected by the Superintendent or not;

(3) whether prisoners were admitted from any part of the country where cholera, small-pox or other epidemic prevails, and, if so, what quarantine arrangements are observed;

(4) the daily number of sick in hospital, and any particular cause for increase or decrease in that number;

(5) any change or modification of diet carried out on the recommendation of the Medical officer in anticipation of the Dewan's sanction;

(6) any occurrence of importance relating to the health and discipline of the prisoners, and any unusual features in the weighments of the prisoners;

(7) at least once a week, the results of the inspection and weighing of rations;

(8) the result of the prescribed daily visit to the solitary and separate cells;

(9) the name of any prisoner of importance received into the Jail, his state of health, diet on which placed, and work on which employed;

(10) any escape, suicide, or attempt at the same;

(11) every occasion on which a prisoner is permitted to write a letter or receive a visitor out of due order, with the reason;

(12) at least once a week, remarks on general progress of manufactures in the Jail;

(13) at least once a week, result of inspection of Jail buildings, wells, garden, farm, &c.;

(14) any visit by any Official Visitor, and the general result of such inspection;

(15) all serious acts of misconduct on the part of any Jail subordinate;

(16) result of inspection of Warders, their drill, ball-practice and general smartness;

(17) any remarks on the state of office work, punctual submission of returns, &c.

5. The Superintendent shall, as a rule, transact all business connected with the Jail within its precincts. He shall not, except in case of necessity, require the attendance of the Jailor beyond the Jail limits.

6. At least twice a week, he shall inspect the whole Jail. He shall see all prisoners in the Jail, satisfy himself that they are provided with proper bedding and clothing, and hear and inquire into any complaints that they may have to make. It shall be his duty to listen to complaints and petitions of prisoners in a patient and considerate manner, and to afford prisoners reasonable facilities for making such representations.

7. He shall not himself smoke nor permit any other officer to smoke in any part of the Jail at any time whether on duty or otherwise, neither shall he permit any person visiting the Jail to smoke within the Jail precincts.

8. [Superseded by G. O. No. J. 3825, dated the 14th August 1908, *infra*.]

9. The Superintendent shall submit punctually to the Dewan such yearly and other returns, statements, bills and vouchers as may be, from time to time, prescribed. As soon as possible after the close of each year, he shall furnish the Dewan with a report on the administration of the Jail in which all matters of importance or possessing a bearing on the Jail statistics of the year shall be noticed. He shall be generally responsible for the due carrying out of all Rules hereinafter contained relating to accounts, books and records of all kinds.

10. He shall accompany the Official Visitors on their inspection of the Jail, if so desired.

11. Any out-break of epidemic disease or unusual sickness, all serious breaches of jail-discipline, escapes, re-captures, accidents, suicides, or deaths from violent or unnatural causes, shall be at once reported by the Superintendent to the Dewan.

12. The Superintendent shall keep a constant watch over the Jail receipts and expenditure; he shall promote the utmost economy in every department and carefully examine all demands and indents before sanctioning or submitting them for sanction; he shall satisfy himself frequently that the registers and books are written up, that the cash balances correspond with those entered in the books, that the daily entries are made in the day-books, and that outstandings are not allowed to accumulate. Particular care should be taken that all items of money received or collected in behalf of the Jail are brought to account at once. He shall be answerable for all Jail property, stores and monies, and shall be held responsible for any defalcations on the part of the Jail establishment if it be shown that such defalcations were rendered possible by negligence of this or any other Rule on his part.

OFFICIAL VISITORS.

13. The following officers shall be *ex-officio* Visitors of the Central Jail:—

1. the Durbar Physician;
2. the Chief Secretary to the Dewan;
3. the Sessions Judge, Trivandrum;
4. the District Magistrate, Trivandrum.

14. The *ex-officio* Visitors shall visit the Jail at least once a month, and oftener if necessary. Except in exceptional circumstances, they shall not inspect the Jail after lock-up or on Sundays.

15. The *ex-officio* Visitors may call for all books, papers and records of every department of the Jail; they should

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ordinarily visit every yard, ward and cell; see every prisoner in confinement at the time of their visit; and take notes of any representation that any prisoner may make to them and of any explanation which may be given them on inquiry by the Jail authorities; and they shall ascertain whether the Rules and orders are adhered to.

16. A Visitors' book in the prescribed Form shall be kept in the Jail, which shall be presented to every Official Visitor after he has gone through the Jail, and in which every such Visitor shall record the date and hour of his visit and any remarks or suggestions he may desire to make, and the Superintendent shall forward a copy of such record to the Dewan for orders. When the remarks of the Official Visitors require explanation, the Superintendent shall submit such explanation together with the copy. A copy of any order passed by the Dewan on the Official Visitor's remarks shall be communicated to the Official Visitor whose remarks are thereby disposed of.

17. With the exception of the Resident, the Dewan, the Chief Engineer and the Executive Engineer of the District in connection with the duties of their Department, the Official Visitors, and Jail officers, no person shall be allowed to enter the Jail unless accompanied by the Superintendent or furnished with the written permission of the Dewan or the Superintendent.

THE JAILOR.

18. The Jailor shall be immediately under the orders of the Superintendent. He is generally responsible for the strict carrying out of all prescribed Rules, and the general supervision of the subordinate staff in the executive branch is vested in him.

19. His first duty is the maintenance of discipline among prisoners and subordinates. For this purpose he must be always present in the Jail during the day except when he leaves it for his meals, to attend a Court of Justice or on permission from the Superintendent.

20. All subordinate officers of the Jail belonging to the executive department shall be under the orders of the Jailor whose lawful orders they shall obey implicitly.

21. The Superintendent shall allot to the Deputy Jailor such portions of the duties of the Jailor as he may deem fit, but the Jailor shall on no account delegate his duties to the Deputy Jailor or any other person without a written order from the Superintendent.

22. The Jailor shall visit every part of the Jail daily including punishmont cells and close prison, and see every prisoner at least once in 24 hours. He shall personally superintend the unlocking of the wards and mustering of the prisoners in the morning and the lock-up at night. He shall on both occasions satisfy himself that every prisoner is present and, after locking up, shall have the keys of the wards and cells counted in his presence by the Guard officer and placed in the guard-room box.

23. He shall personally superintend the admission of every prisoner, carry out the examination of warrants, the search, and the procedure regarding property found in the possession of or received with each newly admitted prisoner. He is responsible for the custody of such property and for the correctness of the entries in the register regarding it.

24. He is responsible for the due preparation and distribution of food.

25. He shall see that the prisioners are cleanly in person and clothes, that they have the authorised amount of clothing and bedding and no more, and that their clothing and bedding are properly aired every morning and folded and arranged in the place assigned to each prisoner.

26. He shall occasionally and at uncertain times, but at least once a week, cause every prisoner and all clothing, bedding, wards and cells, to be thoroughly searched.

27. He shall likewise take care that the food is properly cooked and served at the proper hour to the several messes which shall be regulated by him subject to the orders of the Superintendent. He shall daily see that the scales and

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weights are correct and in good order and that the proper quantity of food as laid down in the regulations on the subject is issued.

28. He shall be careful that no forbidden articles find admission into the Jail and that no unauthorised communications take place between the prisoners, their relations or friends.

29. He shall at once remove opium or any other forbidden articles found in the possession of prisoners and shall report those in whose possession they are found to the Superintendent for punishment.

30. All money, clothing, metal-vessel and other articles or property, taken from a prisoner shall be entered in a special register that shall be provided for the purpose. They shall be carefully kept for restoration to the prisoner on his release, or to be otherwise disposed of as may be directed in writing by the Superintendent.

31. He is responsible for the due carrying out of all orders regarding the labour of prisoners, and shall assign to each prisoner his work, and see that the prescribed tasks are properly performed.

32. He shall supervise the working of the Warder-guard. At least twice a week, at uncertain times, he shall visit the Jail at 8 P. M. and satisfy himself that the standing guard is present, the sentries duly placed and on the alert, and that the patrol is propely maintained.

33. He shall see that the wards are thoroughly cleaned after the prisoners are turned out for work in the morning, also that the latrines, urinals, yards, cells and all other parts of the Jail are similarly swept and cleaned.

34. The Jailor must impress upon his subordinates the necessity of maintaining a calm demeanour with the prisoners. He must see that they never argue with prisoners nor threaten them with punishment nor strike them, except in self-defence or to prevent escape or personal injury to another person, that they never address them in violent or indecent language or make allusions to their situation or

previous character. Prisoners are to be addressed by their proper names or by numbers only.

35. The Jailor must impress upon his subordinates that they must avoid all wrangling or altercation with each other, and that they must cordially co-operate in support of the general discipline and good order of the Jail. In all cases of dispute between subordinate officers, as to matters connected with their duties, appeal must be made to the Superintendent; all complaints by one subordinate officer or a servant against another must be made within 12 hours of the occurrence complained of, and, if it shall be found that such complaints are frivolous or vexatious or arose from a spirit of ill-feeling, malice or revenge, they will be entered in the officers' misconduct-book and be taken into account when the claims of the subordinate officer or servant to promotion on the occurrence of a vacancy are considered.

36. The Jailor is strictly responsible for the custody of all warrants and the strict enforcement of their terms; that the number of every prisoner is entered on his arrival in the "Release-register" under the date on which he is to be released; that, in case of the prisoner obtaining remission of sentence or receiving any additional sentence while in Jail, the entry in the Release-register is transferred to the correct date; and that no prisoner is on any account released either before his time or kept in Jail beyond the termination of his sentence. If whipping or solitary confinement is imposed in addition to imprisonment, the Jailor shall see that the prisoner is brought up at the proper time to receive his stripes or to be placed in the cell.

37 He is responsible for the safe custody of records and all other documents confided to his care and for the money and other articles taken from the prisoners under Section 26 of Regulation I of 1071.

38. He shall also be responsible for all civil stores, machinery, &c, in his charge and on his removal or transfer must render an account of all goods, tools, plant and cash in his hand.

39. The Jailor shall keep a Report-book according to prescribed Form in which he shall record the daily state of the Jail and all occurrences of importance in such manner as he may be directed. In particular he shall here enter the number of admission of prisoners and the numbers for release, all reports made against prisoners, the offence charged, the time of its occurrence and other circumstances connected with it. He shall also make a note of all occurrences out of the ordinary routine and of all cases in which he may have found it necessary to use restraint to any prisoner. In default of such daily visits or duties as are required by these Rules, he shall state how far he has omitted them and the reasons thereof. He shall report the absence of any subordinate officer from duty and enter request for leave of absence; he shall also enter request for sanction of unusual expenditure; for the employment of prisoners in any special manner, any such representations or recommendations as he may deem proper to make, and any matters upon which he may require orders. Report of each day shall be dated and a consecutive serial number for the official year shall be given to the subjects dealt with, so as to enable any reference to be made to them.

40. The Jailor's Report-book shall be laid daily, and oftener if necessary, before the Superintendent for his perusal and issue of such orders as he may consider necessary. If the Superintendent has no remarks to make or orders to give, he shall append his initials only.

41. The Jailor shall accompany all inspecting officers and Visitors in their visits.

42. He shall carry out forthwith emergent written orders of the Medical officer regarding the sick in hospital, or regarding sanitary arrangements, entering all such orders and the action taken thereon in his Report-book for the information of the Superintendent.

43. When a change of officer in charge of the Jail takes place, the relieved officer in making over charge of his duties shall satisfy the officer who relieves him of the correctness of the Jail accounts in all particulars as above set forth.

Should he be unable to do so, his responsibility in this matter shall not cease until the accounts, &c., have been examined and found to be correct.

44. The Jailor shall have charge of the wards in all matters relating theroto and the chief care and the superintendence of the prisoners when at labour in the wards or cooking houses.

44 A. On every alternative Sunday and on other occasions when the Jailor, through illness or other cause, is absent, the Deputy Jailor shall officiate for him, keeping the Report-book for the day and performing all other prescribed duties. On every occasion on which the Deputy Jailor officiates for the Jailor, he shall possess all the powers and responsibilities of that officer, and all subordinate officers shall yield the same obedience as though he were Jailor.

45. The Jailor shall not leave his quarters at night without the permission of the Superintendent.

THE WARDER ESTABLISHMENT.

46. The strength of the Warder establishment shall ordinarily be in the ratio of one Warder to every 10 prisoners.

47. The Warder establishment shall be divided into two grades. Head Warders and Warders; and the latter shall be sub-divided into three classes, first, second and third.

48. The minimum height for candidates for enlistment in the Warder establishment shall he 5 feet 5 inches and the minimum girth of chest 32 inches; but these measurements should generally be surpassed.

49. Every Warder shall be supplied with a uniform of the prescribed pattern. If any article is lost, destroyed, or rendered unfit for use before the date fixed for issue of new suits, it shall be replaced at the Warder's expense. The uniform supplied to Warders is Jail property and must be given up on leaving the Jail service. Any unauthorised attempt to dispose of it, or any wanton destruction of it, will subject the offender to prosecution and punishment.

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50. Each Warder shall have a particular duty assigned him by the Superintendent or Jailor, such as charge of a particular ward or set of wards, of a particular workshop or set of workshops, or of a particular gang of prisoners inside or outside the Jail.

51. No Warder shall leave his post till relieved, under any circumstances; and his responsibility continues till so relieved. A Warder relieved by another Warder will explain to his successor his duties and any special orders that may have been given to him by the officers of the Jail. The relieving officer shall satisfy himself that the property or number of prisoners made over to him is correct.

52. Warders in charge of work-sheds shall be responsible for all tools and property kept in them, and shall see that these are carefully put away or stored on cessation of labour, and that no ropes, bamboos, ladders, or other things likely to facilitate escape are left about.

53. It is the duty of all Warders—

(a) to see that all convicts sentenced to labour are busily at work and to report all cases of idleness, short work, or breaches of Jail Rules;

(b) to prevent all loud talking, laughing, singing, playing, or quarrelling and other unseemly behaviour, and to report the offender;

(c) to see that the prisoners keep order in moving about and do not loiter about the Jail;

(d) to see that no prisoner leaves his own enclosure, or communicates in any way with any person outside the Jail, or with any prisoner in a different enclosure;

(e) to abstain themselves from all familiar intercourse or unnecessary communication with prisoners;

(f) to see that no dirt or litter is allowed to be about the Jail, and that the drains are kept properly clean; to report prisoners urinating in the drains;

(g) to see to the cleanliness of the person and clothes of the prisoners in their gangs; that the prisoners bathe as

often and at such hours as may be ordered; that the wards and yards are maintained in a high degree of cleanliness; and that the bedding and clothing are well aired according to order;

(h) to bring at once to the notice of the Jailor any signs of sickness or any prisoner complaining of sickness;

(i) to make over to a maistry any prisoner desiring to go to the latrine, and to see that he is not too long away from the work;

(j) to report any case of wilful injury to clothing or work, or any instance of irregularity or breach of Jail Rules or other important matter connected with the Jail or the prisoners;

(k) to prepare the prisoners for morning and evening muster by the Jailor; to report at once to that officer any prisoner who may be absent; to see that each prisoner comes to his proper place in proper order, and behaves well and keeps silent during meals;

(l) to examine the state of the wards, cells, bedding and clothing directly the prisoners have turned out, and to report at once any prohibited articles found;

(m) to see that the cooks supply each prisoner with a proper amount of food, and that no food is secreted by the prisoners; to report the cooks and sweepers whenever they neglect their work.

54. If any Warder has relations or connections among the prisoners or has had any pecuniary dealings or close acquaintance with any of them, it is his duty to inform the Superintendent or Jailor of the fact.

55. In addition to the punishments referred to in Rule 81, Warders and Head Warders shall be liable to be awarded black-marks in accordance with the following Rules:—

(1) One or more black-marks may be awarded as punishment for minor offences, subject to a maximum of three at a time or for the same offence.

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(2) Three black-marks will entail reduction of class or grade, or in cases where such reduction is not possible—*e. g.*, third-class Warders—reduction to the bottom of the class or grade to which the offender belongs.

(3) Six black-marks will entail discharge.

(4) A period of six months' uninterrupted good conduct will cancel three black-marks, every subsequent period of two months' uninterrupted good conduct will cancel one more black-mark, and a year's uninterrupted good conduct will cancel all black-marks.

(5) The existence of a black-mark will be a bar to promotion, leave and other indulgences, until wiped off by the requisite period of good conduct. If leave is absolutely necessary to a man against whom there is a black-mark, it should be given without pay.

(6) When two or five black-marks have been recorded against a man, he should be carefully warned that the next will entail reduction, or discharge, as the case may be.

(7) When a black-mark is awarded, the usual entry of the punishment will be made in the officers' misconduct-book.

(8) A black-mark may be given in addition to other punishments, but should generally be used for recurring petty offences. The Rules should be applied strictly, if at all, and the men must be made to understand that the existence of a black-mark is really a bar to promotion, &c., and that an accumulation of them will assuredly render them liable to the more serious punishments of reduction and dismissal.

55A. (1) Good conduct stripes will be granted either for conspicuously good service in particular cases or for uninterrupted good conduct.

(2) The first category will include cases in which escapes are prevented by special intelligence or alertness, or in which jail-offences of a serious nature are detected. Not more than one such stripe shall be awarded for each such service, and the award shall be made by the Superintendent.

(3) Uninterrupted good conduct will entitle a Warder or Head Warder to good conduct stripes on the following scale:—

For three years of uninterrupted good conduct.....one stripe.

For every two further years of uninterrupted good conduct...one stripe:

Provided that no more than three stripes shall be worn. The stripes will be of red cloth, and will be worn on the left fore-arm.

(4) Interruptions of good conduct are of two classes, namely, *first*, the accumulation of two black-marks, or punishment by fine more than once within the year; *second*, reduction or suspension. Each interruption of good conduct of the first class shall involve the loss of one stripe, viz: the one last earned, while each interruption of good conduct of the second class shall involve the loss of three stripes, viz: those last earned. If the officer possesses less than three stripes, all stripes will be lost. The loss of good conduct stripes under this Clause will not debar an officer from future award of good conduct stripes, under the conditions laid down in Clauses (1) to (3) *supra*.

(5) The grant and withdrawal of good conduct stripes shall be recorded in the Jail officer's appointment and history-book.

Gate-keeper.

55 B. A selected Head Warder of the first or second grade shall perform the duties of the Gate-keeper. Care should be exercised in choosing a suitable man for the post, and if possible, he shall be one able to read and write English. He shall not leave his post without permission from the Superintendent or Jailor.

55 C. The Gate-keeper shall be responsible that no one enters or goes out of the Jail-gate except the recognised Jail officers, Official Visitors, persons holding a pass from or accompained by the Superintendent or the Dewan or any of the Official Visitors, or prisoners accompanied by officers of the Jail on admission or release.

55 D. He shall be furnished with a list of visitors entitled to enter the Jail and shall not admit other persons without a pass from the Superintendent.

55 E. The Gate-keeper shall likewise be responsible that no prohibited or improper articles are passed into the Jail and shall endeavour by all means in his power to prevent the improper removal of any property from within the Jail. He will see that no provisions from the rations-shed are passed out of the Jail without a pass from an authorised officer.

55 F. To enable the Gate-keeper to enforce the Rules, he is authorised by Section 22 of the Prisons Regulation to search any person suspected of bringing any prohibited article into or out of the Jail or of carrying out any property belonging to the Jail. Persons whose names are included in the list of visitors with which he is furnished, casual visitors admitted under the Superintendent's pass, and the higher officers of the Jail including the Chief Warder, shall ordinarily be exempt from search.

55 G. If the Gate-keeper has reason to believe that any officer or person exempt from search is introducing or removing articles which ought not to be taken into or out of the Jail, he may detain him between the gates and shall give immediate notice to the Jailor, who will himself make the search. The Gate-keeper shall search every cart, bundle, or goods entering or leaving the Jail.

55 H. The Gate-keeper shall not allow any one to enter the Jail smoking, nor shall he permit any one to introduce a dog into the Jail.

55 K. He shall maintain with his own hand the Main-gate-register, in which he shall be careful to enter the name of every free person entering or leaving the Jail, the total number of every gang of prisoners passing in and out, the name of the officer in charge of such prisoners, as complete and accurate a list as possible of all articles taken in or out, and in each case, the hour of entry or exit; except the register number of each convict of every gang which is now being entered in a separate book maintained for that purpose.

55 L. The Gate-keeper shall keep the keys of the main gates, and shall be careful, as far as possible, only to open one gate at a time, and not to have both gates open together. In the work of opening and shutting the gates, he may be assisted by a convict officer. For ordinary purposes, ingress and egress shall be by the wicket gate. A lantern shall always be kept burning at the gates at night.

JAIL OFFICERS GENERALLY.

56. Every subordinate officer shall make himself fully acquainted with the Rules and regulations relating to his duties, and no plea of ignorance will be accepted as an excuse for neglect.

57. All persons employed in the Jail shall be men of good character, of steady and active habits; any disreputable conduct even outside the Jail will render an officer or servant liable to dismissal. The subordinate officers and servants of the Jail shall at all times treat their superiors with respect. They shall also see that no disrespect is shown to the officers or persons employed in other Departments. All subordinates shall pay strict attention to cleanliness of person and dress, and shall at all times wear a uniform dress when on duty, and shall further conform to such regulations concerning their personal appearance as may be established by authority.

58. No subordinate officer or servant shall be absent during the hours fixed for his attendance without the permission of the Superintendent or Jailor. Any subordinate officer disabled from the performance of duty by illness shall give or send immediate notice to the Jailor who shall make such arrangements as may be necessary for the performance of the duty of the disabled officer.

59. Subordinate officers are on no account to lounge about the Jail but are to confine themselves to their respective posts except when ordered by a superior officer to go elsewhere, or in the performance of any special duty.

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60. No subordinate officer shall smoke or drink while on duty or in any part of the Jail, or introduce liquor, tobacco or any other drug into the Jail.

61. No subordinate officer shall be permitted to receive any visitors within the Jail except with the sanction of the Superintendent.

62. Every officer for whom quarters are provided by Government shall live in those quarters, and those for whom no quarters are provided shall live within such a distance of the Jail as shall, from time to time, be fixed by the Dewan.

63. All wrangling or dispute between Jail officers is strictly prohibited, and any disagreement between subordinate officers as to any matter connected with their duties should be referred to the Jailor, or if necesssary to the Superintendent, for decision. Any complaint by one officer against an equal or superior shall be made to the Superintendent. Frivolous or false complaints will be severely punished.

64. All Jail officers shall treat prisoners with temper, humanity, kindness and strict impartiality, and listen patiently and without irritability to any complaint or grievance, while at the same time maintaining strict discipline and enforcing observance of all Rules and regulations. It is important that every complaint made by a prisoner shall be heard with attention, in order that, if real, it may be redressed, and that no cause for discontent may be allowed to remain.

65. No subordinate officer shall in any circumstances punish any prisoner except under the Superintendent's order, or threaten any prisoner with punishment, or use violent, abusive, or insulting language to any prisoner. All conduct intended merely to irritate or annoy any prisoner shall be avoided. Prisoners shall be addressed by their proper names or numbers.

66. No subordinate officer shall on any pretext strike a prisoner except in self-defence or in the repression of disturbance and no more force shall then be used than is absolutely necessary.

67. No subordinate officer on any pretence whatever shall, through favour or mistaken notion of kindness, fail to make an immediate report to the Superintendent, or to his other superior officers, of any misconduct or wilful disobedience of the Jail regulations.

68. No subordinate officer shall unnecessarily, converse with a prisoner, or treat him with any familiarity, or allow familiarity towards any other subordinate officer of the Jail. Nor shall he discuss matters of discipline, or jail-duties or arrangements with or in the hearing of prisoners.

69. On every occasion on which any officer receives charge of a party of prisoners, he shall count them and report the number aloud to the officer from whom the receives them; after which, he will be held responsible for their safe custody and regular conduct. He shall make the prisoners march in file and keep step, and especially prevent all straggling and disorderly conduct, or their holding unauthorised communication with each other or with any unauthorised person, or procuring in any way prohibited articles.

70. No subordinate officer entrusted with Jail keys, shall take them out of the Jail, leave them lying about, or lend them to any person on any pretence whatever, but shall, when leaving the Jail or going off duty on any occasion, deliver them to such officer as may be authorised to receive them, and he shall not leave his post or the Jail without making them over as above directed. The keys of wards, cells, or outer gates are not on any pretence whatever to be delivered to any prisoner other than a Convict Warder-guard.

71. No Jail officer shall directly or indirectly sell, or lend money to, or have any money dealings with, any prisoner, or correspond with or hold any intercourse with the friends or relatives of any prisoner, or have any unauthorised communication with any prisoner or with any person whatever as to matters concerning the Jail.

72. No subordinate officer shall correspond with or hold any intercourse with any discharged prisoner or with

the friends or relatives of such prisoner, or shall allow any such prisoner, friend or relative, to visit or remain in his quarters, except with the special permission of the Superintendent.

73. No Jail officer shall employ any prisoner in his own private work or for his own private benefit or gain or on any private and unauthorised account.

74. No Jail officer shall, directly or indirectly, be concerned in any contract or agreement for the supply of the Jail, nor receive, directly or under any pretence whatever, any fee, or gratuity, or present, from any contractor or person tendering for any contract with the Jail, nor from any prisoner or prisoner's friends, nor from any person visiting the Jail.

75. All Jail officers are bound —

(1) to exert the utmost vigilence in the prevention of escapes;

(2) to prevent to the best of their power the introduction into the Jail and the giving to any prisoner of any money, clothing, provisions, liquor, tobacco, betel, gunjah, opium, snuff, weapons, letters, papers, postage stamps, playing cards or other articles, except as permitted by the Rules.

(3) to prevent any communication between prisoners and outsiders except as permitted by the Rules.

76. No subordinate officer shall on any account enter a ward or cell at night unless accompanied by another authorised officer, and then only in case of a prisoner's sickness or other emergency: Provided that the Superintendent may, by order in writing, relax this Rule during the presence in the Jail of epidemic disease.

77. All officers on being relieved from any particular duty or transferred to another part of the Jail, shall point out to their successors all matters of special importance connected with their duties and explain any directions of the Superintendent, the Medical officer, or other superior officer, affecting any particular prisoner or matter.

78. All subordinate officers and servants dismissed, discharged, or allowed to resign their appointments, shall be required at once to quit the Jail and the quarters occupied by them, and shall give up any uniform or other property of Government entrusted to them.

79. No subordinate officer once dismissed from employment in the Department shall be employed again in the Jail without the special sanction of the Dewan to whom all the circumstances shall be reported.

80. No person who has been convicted of any offence and punished with imprisonment or flogging shall be employed in the Jail without the special sanction of the Dewan.

81. All Jail officers are liable to punishment by way of fine or dismissal for breach of Rules, and they may be further punished by reduction or suspension.

82. Suspension as a specific punishment should be avoided and resorted to only in extraordinary circumstances. The practice of inflicting very heavy fines should also be avoided, a small deduction from pay being generally sufficiently deterrent; nor should the frequent infliction of small fines be adopted. An officer against whom a succession of offences is recorded should, after due warning, be reduced or dismissed.

83. The following offences shall ordinarily be punished by dismissal, but the previous character of the offender and the circumstances of the case may render the infliction of a lesser penalty sufficient:—

(1) appearing on duty in a state of intoxication;

(2) sleeping on duty;

(3) striking a prisoner;

(4) improperly entering or permitting any person to enter the female enclosure;

(5) committing or conniving at irregularities in the supply or distribution of food;

(6) being concerned directly or indirectly in any Jail contract, or receiving any present from a contractor;

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(7) having dealings with any prisoner or prisoner's friend;

(8) insubordination or insolence towards any superior officer.

84. Every punishment inflicted on a Jail officer shall be recorded in the appropriate place in the Jail officer's appointment and history-book, and in the Jail officer's misconduct-book. Admonition is not a punishment, but any formal warning shall be recorded.

ADMISSION.

85. No prisoner shall be admitted into the Jail unless on a warrant signed by a competent authority. Before admitting a prisoner, the Jailor shall examine the warrant and shall question him as to his name and other particulars with a view to ascertaining that he is the person referred to in the warrant.

86. Every warrant shall be examined to see whether it is apparently correct and complete. If a warrant is incorrect or incomplete, and it seems likely that the incorrectness or incompleteness is due to clerical error, it may be returned for correction to the issuing Court.

87. In this case a copy shall be retained till the original returns. In other cases, the Superintendent shall make a reference to the Dewan. Every reference under this Section shall be accompanied by a copy of the warrant referred to.

88. Sentences of imprisonment passed by a Criminal Court can never be concurrent and must always take effect consecutively. Hence a direction in a warrant that two sentences shall run concurrently shall be referred to the Dewan.

89. Subject to the provisions of the last preceding Rule, the period of imprisonment to be undergone under the sentence of a Criminal Court shall be calculated from the date on which sentence was passed.

90. In calculating the date of expiry of a sentence of imprisonment in a Criminal case, the day upon which the sentence was passed and the day of release should both be included and considered as days of imprisonment. Similarly, if a convict is released on bail pending appeal, or if he escapes, the day on which he was released or escaped, and the day on which he was re-admitted or re-captured, shall both be counted as days of imprisonment.

91. When a prisoner is sentenced to two or more sentences, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

92. When a prisoner's sentence consists of so many months, with or without the fraction of a month, the date of release shall be calculated by adding the number of calendar months to the date of the sentence, the fraction (if any) being reduced to days.

Illustration 1.—A prisoner is sentenced to one and a half months' imprisonment on the 2nd February. The date of his release will be the 16th March.

Illustration 2.—A prisoner is sentenced to 6 months' imprisonment on the 31st May. The date of his release will be the 30th November.

93. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period:—Add to the term of his sentence, the number of days the prisoner is on bail or at large, exclusive of the days of release and re-admission, or of escape and re-capture; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiration of sentence.

94. If the prisoner be sentenced to imprisonment, of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the dates of release shall be calculated and entered in the Release-register so as to correspond both with payment and with non-payment of the fine.

If any portion of the fine is subsequently paid, the date of release shall he altered accordingly.

Illustration.—If a prisoner be sentenced on 1st January to six months' imprisonment and to a fine of rupees 300, and it he ordered that if the fine he not paid he he imprisoned for a further period of six months, then, supposing that the prisoner, immediately on conviction, pays rupees 100, the date of release shall be first fixed at 31st Octoher (viz., 6 months +4 months, the equivalent of the fine unpaid); if he afterwards pays another rupees 100, the date will be changed to 31st August, and on his paying the whole, to 30th June.

95. If a prisoner, who is sentenced to a fine and in default to imprisonment for a certain number of *months*, pays any part of his fine, the reduction of imprisonment to be made in consequence of such payment shall be calculated in *Calendar months*, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus ohtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall he considered and treated as heing equal to a full day.

Illustration.—A prisoner is sentenced on 1st January to a fine of rupees 30⁰, or in default to six months' imprisonment. No part of the fine is realised except a sum of twelve annas. He should be released on the 29th June, though the amount realised is less than the full amount due for a single day.

96. If a prisoner escapes and on re-capture receives any fresh sentence for the escape, the date of release shall be re-calculated in accordance with the provisions of Section 296 of the Code of Criminal Procedure, and the date of release thus arrived at shall he entered in the Release-register in place of the original date of release.

97. When the Appellate Court simply modifies a sentence passed by a lower Court without change of Section, or when the Appellate Court passes a new sentence by changing the conviction-Section or the punishment-Section or otherwise,

the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

98. If a prisoner, sentenced to imprisonment in default of payment of fine only, receives another sentence on some other account while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires, or if the fine is paid, from the date of payment. It should be remembered that imprisonment in default of payment of fine is a punishment for non-payment.

99. As a rule, no prisoner shall be admitted into the Jail on Sundays, Christmas day, Good Friday, Thiroovonam, the Birthday of His Highness the Maharaja and New year's day or any day after the hour of lock-up, but prisoners sent from the Jail to Court for trial must be re-admitted at whatever hour they return, and Civil debtors must be admitted at whatever hour they are brought.

100. Every prisoner on first admission shall be made to wash himself thoroughly; and shall also be thoroughly searched. The search shall be made by a Jail official and not by another prisoner, and no European, Eurasian or Civil prisoner shall be stripped or bathed in the presence of another prisoner. In the case of female prisoners, the search shall be conducted by the matron, and the bathing, in the female enclosure. From convicted prisoners, every article, whether clothing, money, jewellery, documents, or otherwise shall be taken away and dealt with under the Rules regarding prisoners' property; from under-trial prisoners, money and any property other than clothes, personal ornaments, papers and letters shall be taken; while from Civil prisoners, only dangerous weapons, articles calculated to facilitate escape, and prohibited articles shall be taken: Provided that the caste threads of Brahmins or other thread-wearing castes and the Thali of a woman shall in no case be removed.

101. Where quarantine blocks exist, every convicted prisoner shall, on admission, be placed therein for such period as the Medical officer may from time to time direct.

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Where no such block exists, an endeavour should be made to set apart a separate ward for newly admitted prisoners. If sick, a prisoner may on admission be at once sent to the Jail Hospital, or if any epidemic is prevalent outside the Jail, the Superintendent may, on the recommendation of the Medical officer, make temporary arrangements for the accommodation elsewhere of prisoners who appear to be sick when admitted.

102. When prisoners arrive from other jails, they shall be carefully examined before they are admitted into the Jail, and shall be kept under observation by the Medical officer for 24 hours after admission (special attention being paid to their cleanliness), provided they are accompanied by a certificate from the Medical officer of such other jail to the effect that they are in a good state of health and that there is no epidemic prevalent in the jail. If found unhealthy, they shall be kept strictly apart from other prisoners in the Jail during a period of 3 days, and if any epidemic disorder be prevalent among them, they shall not be allowed to enter the Jail, but be camped at a convenient distance from it and there detained until reported healthy.

102 A. Before any prisoner is transferred from any jail on any grounds, he shall be carefully examined by the Medical officer who shall certify in the sub-joined Form whether or not he is fit for the journey.

I hereby certify that I have examined the convict named in the margin and that in my opinion he is in a $\frac{\text{fit}}{\text{unfit}}$ state of health to proceed on a journey to

clothing is also $\frac{\text{sufficient}}{\text{insufficient}}$

(Signed)

Date. Designation.

103. When any epidemic disease has attacked gangs of prisoners during transfer, they shall not be admitted into the Jail until 14 days have elapsed since the last case has appeared, and then only if the prisoners are all healthy.

104. As soon as possible after a prisoner's admission, and not later than the following morning, unless it be a Sunday or holiday, he shall be brought before the Superintendent and the Medical officer for the proper entries to be made in the registers. The fact that a prisoner is undergoing quarantine shall not prevent his being brought to the Jail office for this purpose, unless there is reason to believe that he is actually himself sick with any infectious or epidemic disease.

105. The name of every convicted prisoner shall be entered in the Convict-register, each entry being numbered serially from 1 to 10,000, and the name of every under-trial prisoner shall be entered in the Undertrial-register, the entries being similarly numbered. The name of each Civil prisoner shall be entered in the register of Civil prisoners, the entries in which will be numbered serially from 1 to 1,000.

106. The register number thus given shall be the prisoner's identifying mark throughout his imprisonment, a fresh number being, however, given on every transfer to a fresh jail. The clothes, blanket and bedding of each convicted prisoner shall be marked with his number, and in all official communications, the number will invariably precede the name, *e. g.*, Convict No. 1546 Ramaswami.

107. If a prisoner has to undergo two or more sentences under different warrants, it shall not be necessary on the expiry of one sentence to re-enter him in the register or give him a fresh number, but the same number shall be retained till he has completed all his sentences.

108. The date on which a prisoner will be entitled to release shall also be calculated, and an entry of the prisoner's number shall be made in the Release-register on that date. At the same time, the prisoner's register number, name, sentence, date of sentence and date of release (but not other particulars) shall be endorsed on his warrant and the endorsement signed by the Jailor and the Superintendent after examination and comparison with the body of the warrant and the entries in the Convict-register. In cases where imprisonment is awarded in default of payment of fine, the

alternative dates of release shall be included in the endorsement on the warrant in the Convict-register, and in the Release-register.

109. When the prisoner is produced before him, the Superintendent shall compare the entries in the registers with those in the warrant or other documents which accompanied the prisoner, and initial the register in token of its correctness.

110. The warrants shall be arranged according to dates of release and kept in monthly bundles, all warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They shall be kept in a locked drawer or almirah of which the Jailor shall keep the key.

111. On production before the Medical officer, the prisoner shall be weighed, and the Medical officer shall carefully examine him and record in the Convict-register in the case of a convicted prisoner, in the Undertrial-register in the case of an under-trial prisoner, and in the Civil-prisoners' register in the case of a Civil prisoner, his weight, age and state of health, together with such personal description as may be sufficient for identification. Prisoners should be weighed without clothes or fetters and the duty of weighing should not be left to subordinates. If weighed with clothes, the weight of the clothes must be ascertained and deducted.

112. The Medical officer shall certify with reference to the health of every prisoner sentenced to labour, the class of labour on which he should be placed. If the Superintendent objects to the classification made by the Medical officer, he may refer the matter to the Dewan.

112 A. A list shall be kept of all prisoners who are classed as fit for medium and light labour, and once a month these prisoners shall be placed before the Medical officer who shall examine them and determine whether they are now fit for hard labour. If they are, he shall record the fact in his Journal. If any prisoner, originally passed for hard labour,

subsequently becomes permanently unfit for labour of that class, the Medical officer shall similarly record the revised class of labour for which the prisoner is fit.

113. Every prisoner shall be vaccinated on admission or as soon afterwards as practicable without reference to his own wishes.

114. To every convicted prisoner an issue of Jail clothing shall be made in accordance with the Rules.

115. Every convicted prisoner shall wear a ticket suspended round his neck by a string. The string should be so fastened that the ticket will hang just below the neck and, though not tight, shall not be so large as to pass easily over the head. The ticket will be of wood in the case of short-term prisoners (i. e., sentenced to a term of imprisonment under one year) and of metal in other cases. On the face of it shall be stamped or marked the convict's number, the date of his sentence, the date of release, and the number of previous convictions, if any, thus :—

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116. If the convict is a habitual criminal within the meaning of Rule 128, the capital letter "H" shall also be stamped on the ticket, and in the case of female prisoners sentenced to simple imprisonment, the capital letter "S" may be so stamped No other particulars shall be entered on the ticket and nothing shall be entered on the back of the ticket. In the case of convicts under sentence for life, three ciphers shall be entered for date of release. In the case of a convict having a term of alternative imprisonment, the alternative date of release should also be shown. The ticket shall be worn at all times round the neck.

117. Every convicted male prisoner, except those sentenced to simple imprisonmont only, shall wear an ankle ring, except when otherwise provided by the Rules.

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118. Every male convict sentenced to rigorous imprisonment for a longer term than one month shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred (provided the unexpired term of such convict's sentence at that time exceeds one month), have his head close shaved, or if a European or Eurasian, his hair clipped, and shall be subsequently shaved or clipped once in every fifteen days. Hindus shall retain the Kudimi, and in the case of Europeans or Eurasians the hair shall not be clipped closer than is necessary for purposes of health and cleanliness.

119. The beard and moustaches of all convicts coming under the foregoing Rule shall be closely trimmed and clipped, the beard of Mahomedans being left an inch in length. All prisoners to whom these proceedings would be justly offensive or degrading shall, at the discretion of the Superintendent, be exempt from them. During the month immediately preceding release, the hair shall remain uncut and unshaven.

120. No convict sentenced to rigorous imprisonment for a term of one month or less shall be subject to the operation of head-shaving or hair-cutting except on account of vermin or dirt, or when the Medical officer deems it necessary on the ground of health and cleanliness; and the hair of such convict shall not be cut closer than may be necessary for the purposes of health and cleanliness.

121. After prisoners are received into the Jail, an abstract of the Rules relating to the conduct and treatment of prisoners shall be read over to them, and proper means shall afterwards be taken by the Superintendent to make them acquainted with the effect and purport of such Rules. A copy of this abstract in Malayalam shall be hung up in the Criminal wards or in some conspicuous part of the Jail.

122. On the admission of a convicted prisoner, the Jailor shall furnish the officer in charge of the Police escort with a receipt in the prescribed Form.

123. As regards the disposal of the warrant of commitment for trial, the Superintendent shall, as soon as the trial is finished, return it to the committing Magistrate with an endorsement in one of the following Forms whichever may be applicable:—

(1) Prisoner was acquitted and discharged by the... Court this day.

(2) Prisoner was convicted this day, and is now in my custody under a warrant from the.....Court sentencing him to.....

(3) (If prisoner died before or during trial) Prisoner died in Jail this day before his trial by the.....Court, during.....

CLASSIFICATION OF PRISONERS.

124. Prisoners committed to the Civil Jail must be kept apart from Criminal prisoners, convicted prisoners from prisoners not convicted, and male prisoners of all classes from female prisoners.

Whenever possible, convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment.

125. In addition to the separation of these special classes, juveniles of all classes shall be separated from adults.

126. European and Eurasian prisoners shall also be provided with separate accommodation from natives.

127. Prisoners under sentence of death, and those undergoing solitary confinement, lunatics and lepers, shall be kept in separate cells.

128. Subject to the foregoing provisions, all convicted prisoners shall be divided into two main divisions, viz.. (1) habitual convicts and (2) all others.

Habitual criminal shall mean a prisoner so classed—

(*a*) by the Court or Magistrate that heard the case; and

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(*b*) by the Superintendent with the consent of the District Magistrate of the District in which the prisoner was tried and convicted, when the prisoner is

(1) sentenced or believed to be liable to punishment, under Section 75 of the Penal Code;

(2) under sentence enhanced by reason of more than one previous conviction;

(3) known to have been repeatedly imprisoned for similar offences; or

(4) a member of a criminal tribe:

Provided that (1) any such Court or Magistrate as mentioned above may direct that a prisoner shall not be classed as a habitual criminal; and (2) when there is room for doubt whether a prisoner should be so classed or not, the Superintendent shall refer the case for the orders of any such Court or Magistrate.

129. The classification when made by the convicting Courts shall be final.

130. Habitual convicts shall, as far as possible, be separated from others. A separate ward shall be set apart for habitual convicts and by these means, separation at meals, parades, &c., will be generally effected. If it is impossible to separate the classes entirely during work, the Superintendent shall do as much as can be done in this direction by locating habitual convicts in a definite part of the place of work.

131. The employment of habitual convicts as convict officers is prohibited except under the written permission of the Dewan.

132. When a prisoner is transferred from the Central Jail to another, a copy of the entries under the head "Character in the Prison" shall accompany him.

133. In order to facilitate the identification of habitual criminals, special care shall be taken in filling up the columns relating to character in the Convict-register.

The Superintendent shall, on receipt of a prisoner, endeavour to ascertain from the Jail subordinates and long-term convicts, as well as from Jail records, whether he has more convictions than are recorded against him in the warrant.

134. The Superintendent shall examine all under-trial prisoners admitted to the Jail to ascertain whether they have been previously convicted. Whenever a conviction is thus discovered, intimation thereof shall be sent to the Superintendent of Police prior to the prisoner's trial. When, subsequent to conviction, Jail officers discover that a prisoner has been previously convicted, the fact shall be communicated to the Magistrate who committed or convicted the prisoner, and to the Superintendent of Police.

135. In order to give the Police the opportunity of recognising habitual convicts, they shall be permitted to visit the Jail both at the weekly inspection parade and at other times, if desired, provided that such visits shall not be allowed to interfere with the labour or routine of the Jail.

136. They can be made either immediately after the Jail is unlocked, at the mid-day cessation of labour, or immediately before the Jail is locked up. The Superintendent shall arrange the hours for these visits with the Superintendent of Police, and shall then grant a written pass permitting a fixed number of Police to enter the Jail at the hours stated. This pass shall not be given up at the gate, but shall be retained by the Police.

137. The Police shall be permitted to ask any prisoner any question directly bearing on his identity or previous history, but shall not be allowed to hold any further communication than is necessary for purposes of such identification. Every such question shall be put in the presence of the Superintendent or Jailor, and no prisoner shall be liable to punishment for refusing or omitting to answer. Except as provided in this Rule, no Police officer shall be permitted to examine or make inquiries of any prisoner without the written order of the District Magistrate.

138. The Superintendent should carefully observe the distinction between a habitual convict and a re-convicted convict. All habitual convicts, except such as may be so classed because they are members of a criminal tribe, are re-convicted convicts, but not all re-convicted convicts are habituals. For the purposes of Jail classification, separation, &c., regard must be had only to those who are habituals.

GENERAL DISCIPLINE AND DAILY ROUTINE.

139. The wards and cells shall be unlocked at daybreak every day. Previous to the opening, the maistry shall awake all the prisoners and keep them in readiness to march out in files with their bedding as provided in Rule 141.

140. The Jailor shall be present at the opening of the wards and cells every morning, and shall personally superintend the unlocking of a portion of them, that of the remainder being carried out by the next senior officer on duty.

141. As soon as the wards and cells are unlocked, each prisoner shall take his bedding outside into the open air, and shake it well. He shall then fold it, and except on rainy days, leave it outside to air for some hours, when it should be taken in and placed on the proper pial by the maistry in charge of the block or other officer as the Superintendent may direct. The superintendent and the Medical officer shall occasionally examine the bedding of a percentage of prisoners to see if it is properly aired.

142. Directly the wards and cells are vacated, the night-vessels shall be removed, and the sweepers shall then thoroughly sweep and clean every part, all cobwebs, dust and dirt of every description being carefully removed from the roofing, corners and elsewhere. The yards shall also be swept.

143. All possible measures shall be taken for the thorough ventilation of the sleeping wards during the day, as many hours of free ventilation are required to remove the

organic matter which adheres to the walls and bedding and which is but slowly oxydised. The wards and cells shall generally be kept locked during the day to prevent prisoners from getting into them, concealing themselves, attempting suicide, &c. The keys should be kept in the Jailor's office-room until it is necessary to issue them to re-open the cells and wards in the afternoon.

144. As the prisoners leave the wards, they shall, after depositing their bedding in the manner directed in Rule 141, form into fours, and shall thus be counted by the officer unlocking the ward, who shall satisfy himself that their number is correct and shall report the same to the Jailor.

145. After the enumeration of the prisoners is completed, they shall be marched to the latrine, and when they have been given an opportunity of resorting to it, they shall be marched to the bathing place and shall be required to wash their hands and faces.

146. After the latrine and bathing parade is completed, the early morning meal shall be distributed. The prisoners will then be divided into gangs, each gang being placed in charge of a Warder and convict maistry. Care shall be taken that the numbers of the prisoners in each gang and the names of the officers in charge shall be recorded in the gate-book or in a rough labour-register, so that there shall be no difficulty in proving in a Court of Justice to whose custody every prisoner in Jail was made over.

147. The gangs will then be marched to their work, the prisoners being ranked in fours and required to keep step. The distribution of labour will be made by the Jailor in accordance with any general or special Rules laid down by the Superintendent, but the Jailor should see that no prisoner is put to or kept on work for which he is unfit or which appears from any fall in weight or other cause to be prejudicial to his health.

148. Upon cessation of work, the gangs having been taken back to their yards, the prisoners shall proceed first to the bathing place where they shall bathe, and it shall be the

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duty of the maistry in charge to see that each man bathes daily unless excused by order of the Superintendent or the Medical officer.

149. Upon the cessation of work for the day or after bathing, the evening meal shall be distributed, the men shall be given another opportunity of using the latrine, and shall then be locked up. Sunset shall be the usual hour of lock-up, i. e., from 5-30 to 6 P. M. in the cold weather, and from 6 to 6-30 in the warmer months.

150. As a general rule, and subject to the rules as to classification in Rules 124—128, men who work together should as far as possible sleep together so as to facilitate the formation of gangs, prevent inter-communication among prisoners generally, &c. Prisoners concerned in the same case should not as a rule be confined in the same ward or employed in the same gang.

151. Every prisoner shall be searched each time that he leaves or enters the Jail. All prisoners shall be counted and searched on return to the yards from labour.

152. Every detail of the daily routine shall be carried out systematically, the prisoners being always moved about together by word of command. Strict silence shall be maintained at all times.

153 Gangs when halted shall ordinarily be required to sit down. At the hour for turning out for work, when the gangs have been formed and ranked in fours, the officer in charge shall see that they are properly arranged and (if necessary) equipped with tools, and shall then give the orders "rise" and "march." At the first order the gang will rise, and at the second move off steadily and march direct to their work. The same procedure will be followed when moving gangs at other times. Care should be taken to instruct convicts to obey the words of command and march with regularity.

154. After locking-up, the keys of the wards and cells shall be collected, and shall be counted in the presence of the Jailor by the Guard officer. They shall

then be placed in the box provided for this purpose, which shall be a fixture in the guard-room. The box shall be locked up, and the key of it and those of the main gates and the several compartments of the Jail shall be made over to the Guard officer.

155. If a prisoner requires medical attention during the night, or if for any other reason it becomes necessary to open a ward or cell, the Jailor, Deputy Jailor or Head Warder shall be sent for, and, except in case of emergency, such as fire or attempt to commit suicide, no ward or cell shall be opened except in the presence of one of those officers.

156. When it is necessary to let the cooks out before the general body of convicts, they shall be locked up together in a single ward, the key of which shall be entrusted to the Guard officer who may unlock this ward at the prescribed hour.

157. Every prisoner shall have a pial or sleeping place specially assigned to him, and shall not leave his place after lock-up without first obtaining the leave of the convict maistry in charge of the ward, and then only to use the latrine. Where pials do not exist, the area allotted to each prisoner as a sleeping place shall be equally regulated and clearly marked off, so as to prevent prisoners huddling together.

158. A light shall be kept burning in every sleeping ward throughout the night. The light shall, where possible, be placed in a receptacle in the door way or window of the ward in such a way as to be accessible from the outside only. If it consists of a locked lantern, the key will be entrusted to the nearest sentry by night, and by day to the officer in charge of the ward. It is of much importance that the wards shall be thoroughly lighted all night and, in case where the light is kept within the ward, it shall be the duty of the convict maistry to communicate at once with the sentry if the light goes out at any time during the night. The key of the lantern shall then be passed on to the maistry, the lamp re-lighted, and the key returned to the sentry.

159. In every ward there shall be one or more convict maistries, whose duty it shall be to prevent all talking, singing or quarrelling; to take care that no prohibited articles are introduced, to prevent any prisoner leaving his pial or sleeping place except to visit the latrine; to maintain order in all respects; to report all breaches of Jail Rules; and to perform the other duties imposed on them by the foregoing and following Rules.

160. For each ward a night latrine shall be provided, which should, if possible, be screened off for the sake of decency. As prisoners are afforded sufficient opportunities of resorting to the day latrines, the use of the night latrine should be as far as possible discouraged, and the convict maistry shall report any prisoner who makes a practice of using it.

161. The night latrine shall be provided with dry earth, the use of which shall be explained to every prisoner on his admission into the Jail, and the convict maistries shall be responsible that the dry earth is used in the manner indicated whenever the night latrine is resorted to.

162. A receptacle, one-fourth filled with water, shall be placed near each workshed.

163. If, in the course of the day, after the prisoners have visited the latrine, any prisoner wishes to go there, he will be made over by the Warder in charge to a maistry. If the prisoner apparently visits the latrine from idleness, or as an excuse for communicating with other prisoners, the maistry shall report him; if it appears that the prisoner is suffering from diarrhœa or dysentery, a report will be made to the Jailor, who shall send the prisoner to hospital for observation.

164. The latrines will be cleaned every morning and afternoon, and at other times when necessary. Each thotty will carry away the vessels containing night-soil from his latrine to any place fixed by the Superintendent for the purpose, and all will then proceed together outside the Jail under the charge of a Warder to deposit the night-soil in the place

provided. The same procedure will be followed at day-break with the contents of the night latrines. It will not generally be possible to follow this procedure after the latrine parade which follows the evening meal, but the latrines shall be attended to by the thotties, cleaned, and the night-soil collected and thoroughly covered with dry earth. The vessels belonging to the night latrine will be placed in their proper position in the wards at 3-30 P. M.

165. The daily routine detailed above shall be observed also on Sundays and other holidays except that no prisoner shall be required to labour on those days otherwise than in the performance of menial offices (*e. g.*, cooking, cleaning latrines, &c.,) and other necessary work. When not otherwise engaged, prisoners shall be locked into the sleeping wards and cells on these days.

166. All needless interference with the religion or caste prejudices of prisoners is prohibited, but care shall be taken that this Rule is not made an excuse for frivolous complaints or neglect of Jail Rules.

167. On one morning in every week, which shall usually be Monday, the Superintendent shall hold an inspection parade of all prisoners, at which the Medical officer shall also be present, when any prisoner shall have an opportunity of making any complaint or application to the Superintendent. At this parade each prisoner shall have his full kit arranged in line before him. Nothing in this Rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade, and it shall be the duty of every Jail official to produce before the Superintendent without delay any prisoner desiring to see him.

168. Every prisoner shall wash his clothing at least once a week, at such time as the Superintendent may direct. This shall usually be Sunday morning. If necessary, the Superintendent may detail prisoners for the purpose of washing any special portion of prison clothing, *e. g.*, blankets and bedding.

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169. Every prisoner in the Jail shall be weighed once a fortnight. This shall be done either by weighing all prisoners every alternate Sunday, or, if more convenient, by weighing half of the total number of prisoners every Sunday. The weighment shall be made by the Jailor or Deputy Jailor and the Medical officer, and the weights shall be recorded in the weighment-register.

170. An abstract of the results of each weighment shall be furnished to the Superintendent at the next weekly inspection; this shall show the number and percentage of prisoners in each ward who have lost or gained weight or have remained stationary since the last preceding weighment. The register numbers of all prisoners who have lost more than 3 lbs. since the last weighment or who have lost more than 7 lbs. since first admission, or who have been losing weight in small amounts for more than three successive weighment periods, shall be noted on the abstract, and such prisoners shall in each yard be separately paraded for the inspection of the Superintendent and the Medical officer.

171. All prisoners are bound to obey the following Rules, viz.:—

(1) not to leave or change their place at meals, or at work, their place of employment, or any part of the Jail in which they are confined, without proper authority;

(2) not to loiter in wards or cells after the doors have been unlocked, nor in the yards or work-sheds at any time;

(3) to march in step and in four rank when they move about the Jail, to stand to attention when addressed by or addressing a Jail officer or Visitor, and generally to show respect to such officers or Visitors;

(4) not to communicate or attempt to communicate with any person outside the Jail or with any prisoner of a sex or class different from their own, or to enter the area reserved for any different class or sex;

(5) not to communicate with any officer of the Warder establishment beyond what is absolutely necessary;

(6) not to exchange clothes with any other prisoner or to conceal any prisoner's clothes ;

(7) to wear clothing, class-badge, ticket, or their distinctive marks as ordered ;

(8) to keep clothing, bedding, ankle-ring and fetters and eating and cooking vessels clean and in proper order ;

(9) to keep their person clean and to bathe thoroughly at the appointed times ;

(10) not intentionally to spill urine or fæcal matter in the sleeping wards or latrines, or to make water or commit a nuisance in any part of the Jail not assigned for the purpose;

(11) to use dry earth in the manner directed ;

(12) to avoid unnecessary resort to the night latrine ;

(13) not to spit on or otherwise soil floors, doors, walls or other part of the Jail buildings or any article in the Jail ;

(14) to take due care of, and not wilfully injure, destroy, or lose their clothing, bedding, work materials, tools or any other property of Government ;

(15) to report at once any breakage of or injury to Jail implements or property which they may accidentally occasion ;

(16) to perform their allotted tasks or duties diligently and carefully and in strict accordance with the instructions given them ;

(17) not to gamble or play any game ;

(18) not to sing, shout, use bad or indecent language, quarrel, or be guilty of indecent conduct ;

(19) not to remove any food from the place where the meal is taken, not to conceal any food in the wards or cells, not to barter or exchange food with or abstract the food of any other prisoner and not to remove or make away with any provisions from the store-room or kitchen without proper authority;

(20) not to receive or possess or attempt to receive or possess tobacco, snuff, opium, gunjah or other drug; the implements for smoking; money, jewellery, liquor, food or clothing, except as allowed by Jail Rules; books, paper or writing materials of any description, unless specially sanctioned by the Superintendent or Jailor; and rope, string, flint, steel, iron or wooden weapon or implement, except when required for work;

(21) to report to the Jailor or Warder, if they find any article described in the foregoing Clause, or know of any other prisoner possessing it;

(22) to report to the Jailor or Warder any plot or preparation for escape, for an attack upon any Jail officer or prisoner, or for the commission of any offence, of which they know, or any breach of any Jail Rule;

(23) to assist the Jail officers or convict officers, if they are attacked;

(24) not to malinger, wilfully aggravate any ailment or attempt to prevent any sore from healing;

(25) not to make any false, frivolous or vexatious complaint against any Jail officer or prisoner;

(25 *a*) not to do any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the Prison;

(26) to obey every lawful order of the Superintendent, Jailor, and other Jail officer or convict officer;

(27) not to make groundless complaints as to any matter, such as the quality or quantity of food;

(28) generally to obey all Rules and directions which may from time to time be made by competent authority.

172. In respect of offences which are punishable both under Regulation I of 1071 and under the Penal Code, it will be discretionary with the Superintendent either to use his own summary powers of punishment or to prosecute the offender

before a Magistrate, provided that, in the case of the following offences, a prosecution shall invariably be instituted unless the offender is under a life sentence or unless the Dewan otherwise orders:—

(*a*) escapes or attempts to escape;

(*b*) serious assaults;

(*c*) thefts committed while employed on extramural labour, or of Government property.

173. In the case of grave offences against the Penal Code, such as unnatural offences (Section 377), or offering a bribe to a public servant (Sections 116 and 161 or 165), or attempts to commit the same, recourse shall be had to prosecution.

174. Instead of the punishments or in addition to any punishment awardable under the Regulation, the Superintendent may punish offences by loss of marks under the Remission Rules or by reduction of class; and petty offences, such as short work, &c., are best dealt with in this way unless frequently repeated.

175. Prisoners reported for punishment shall be brought up to the Jail office at a fixed hour daily.

176. A punishment-book in the Form appended (No. A). shall be maintained in accordance with the provisions of Section 13 of the Prisons Regulation I of 1071. In this, the details to be included in columns 7 and 9 shall be filled in by the Superintendent with his own hand unless he records those details himself in the Jailor's report-book when passing orders on a report of the offence, in which case the entries may be merely copied thence into the punishment-book.

177. Admonition is not a punishment, but when a prisoner is formally warned by the Superintendent, the warning shall be recorded in the punishment-book.

178. It should be remembered that prisoners, especially on first admission, are liable to commit offences from ignorance or imperfect understanding of what is said to them and

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that a repetition of such offences may be often better prevented by clearly and patiently explaining the regulations than by too ready resort to punishment. If punishment is necessary, the milder forms should be used before the more severe are employed.

179. In no circumstances and on no pretence shall the Jailor or any subordinate officer punish any prisoner without the orders of the Superintendent. But any prisoner misconducting himself so seriously as to necessitate immediate restraint may be placed in separate confinement, and the Jailor shall at once report the circumstance to the Superintendent by entry in his report-book, and the Superintendent shall then inquire into and deal with the matter.

180. No prisoner shall suffer corporal punishment, be placed in separate confinement, or be subjected to restriction of diet until he has been examined by the Medical officer, who shall initial in the punishment-book if he considers the prisoner fit to undergo the punishment awarded. If he considers him unfit, he shall record his opinion in writing with reasons, stating whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification (*e. g.*, in the number of stripes, scale of diet, or length of separate confinement) necessary. In the latter case, he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Special Rules relating to corporal punishment inflicted as a Jail punishment.

181. All corporal punishment awarded by the Superintendent shall be inflicted by one of the Warder establishment.

182. The infliction of corporal punishment shall be confined to week days, provided that in any case of specially gross breach of discipline, the Superintendent may, if he thinks it necessary, direct that corporal punishment shall be inflicted immediately irrespective of the day of the week.

183. Corporal punishment shall not be inflicted except in the presence of the Superintendent and the Medical officer.

184. In no case and under no circumstances shall corporal punishment be inflicted on any female prisoner or on any Civil or under-trial prisoner.

185. Corporal punishment shall not as a rule be awarded for a first offence, nor for petty offences generally until other punishments have been tried and have failed, and in awarding it the Superintendent should be guided by the previous conduct, antecedents and condition in life of the prisoner. When it is decided in respect of any prisoner that whipping is necessary, the punishment should be sufficiently severe to act as a deterrent. The practice of giving a prisoner two or three cuts with a cane for trivial offences is objectionable.

186. Whenever a sentence of whipping is passed, a note will be added to the punishment-book, in addition to the entry required under Rule 176 stating the reasons for considering this *kind* of punishment necessary, and a copy of these reasons, together with the particulars of the offence, and any remarks the Superintendent may desire to offer, shall be forwarded with the monthly statement of punishments to the Dewan.

Special Rules relating to separate confinement inflicted as a Jail punishment.

187. Separate confinement shall be inflicted by confining the prisoner in a separate cell, but the cell shall not be so closed as to prevent the prisoner from seeing out of it.

188. Over the door of each cell, in which a prisoner is undergoing separate confinement, shall be placed a ticket signed by the Jailor, which shall show the number and name of the prisoner, the offence for which he is being punished, the period of separate confinement awarded, the date of his being placed in the cell and the date on which he is to be released, and the labour which he is to perform meantime.

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189. No prisoner who has undergone any period of solitary confinement, shall be punished with separate confinement until after an interval of not less than fourteen days, and no prisoner who has been punished with separate confinement, shall undergo any period of solitary confinement until after the expiry of a similar interval.

190. Prisoners undergoing penal diet shall be kept in a separate cell. No task of labour shall be enforced on any day on which a prisoner is on penal diet, but he may be supplied with work to occupy him. Every prisoner shall be weighed before being placed on penal diet and on the expiry of the period of penal diet undergone, and the weights shall be duly recorded. The effect of penal diet on a prisoner's health shall be carefully watched both by the Superintendent and the Medical officer and if the health of a prisoner is injuriously affected to a material extent by penal diet, the prisoner shall be restored to the ordinary dietary. The Superintendent shall be bound to cancel any unexpired period of penal diet if the Medical officer recommends it, but the Medical officer shall record in writing his reasons for the recommendation.

REMISSION SYSTEM.

191. All prisoners, male and female, (not being persons convicted of thuggee or robbery by the administration of poisonous drugs, professional or hereditary dacoits or specially dangerous criminals, or habituals with three convictions to their credit) under sentence of rigorous imprisonment whose sentence (or aggregate of sentences) exclusive of any term of imprisonment awarded in default of payment of fine amounts to two years or more, are eligible for remission of sentences in accordance with the following Rules.

192. Ordinary prisoners under life sentences shall be treated, for the purpose of these Rules, as prisoners under sentence of 14 years' imprisonment. Prisoners under life sentences for dacoity or any class of organised crime, other than thuggee or robbery by the administration of poisonous drugs, not being criminals of the professional or hereditary

type or specially dangerous criminals, shall be treated, for the purpose of these Rules, as prisoners under sentence of 25 years' imprisonment.

193. Prisoners under sentence of simple imprisonment of two years or more will be eligible for remission of sentence, if they voluntarily labour throughout the term of their imprisonment.

194. Every prisoner of the classes mentioned in Rule 191 shall commence to earn marks from the first day of the Malabar month next following that in the course of which he became a prisoner.

195. Ordinary marks shall be awarded to convicts not being Convict Warders, Warder Guards, or Work Overseers on the following scale:—

(*a*) one mark daily for thoroughly good conduct and scrupulous attention to all Jail regulations;

(*b*) one mark daily for industry and exact and skilful performance of the daily task;

(*c*) one mark for every eighth part of the daily task executed in excess of such task where this admits of being measured or estimated;

(*d*) one mark daily for special diligence in work where the daily task does not admit of being measured or estimated.

196. Convict officers shall receive ordinary marks on the following scale provided their conduct and performance of their duties have been satisfactory, viz,

Convict Warders and Warder Guards.	}	6 marks a day.
Work Overseers	...	4 marks a day.
Maistries ...	...	1 mark a day.

Convict Warders, Warder Guards and Work Overseers shall not be eligible for any further marks under the above Rules, but convict maistries shall receive marks under that Rule in addition to the single mark attached to the grade.

197. The maximum number of ordinary marks which can be awarded to any convict is 6 per diem.

198. On Sundays and holidays when the ordinary Jail industries are stopped, marks of conduct only may be earned, provided that prisoners employed on Jail services may earn also marks for labour and that convict officers may be awarded marks as on other days.

199. A prisoner in hospital shall receive marks for conduct only, provided that he does not by any improper action of his own after admission to prison, induce or aggravate the disease on account of which he was admitted into hospital.

200. Convicts on light labour shall be credited with marks according to their conduct and industry unless especially otherwise ordered by the Superintendent.

201. A convict sent to a Court for trial shall be credited during his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

202. Special marks may be given for special service such as—

(*a*) assisting in detecting or preventing breaches of Jail discipline or regulation ;

(*b*) success in teaching handicrafts ;

(*c*) special excellence of work ;

(*d*) protecting Jail officers from attack ;

(*e*) assisting Jail officers in cases of out-break, fire, &c. ;

(*f*) economy in the wearing of clothing.

Special marks shall be awarded as soon as possible after they have been earned.

203. The Superintendent may award not more than 24 special marks for any one service. When any number of special marks is awarded under this Rule, a report thereof shall be made to the Dewan setting forth the grounds of the award. All proposals for the award of more than 24 marks must be referred to the Dewan for orders.

204. Marks may be forfeited for misconduct either in

place of or in addition to any othor Jail or Judicial punishment, provided that—

(1) no prisoner shall receive marks for the day on which any offence is committed;

(2) an escape or attempt to escape from Jail or custody shall cancel all remission earned up to the date of the escape or attempt.

205. Forfeiture of marks may be awarded in accordance with the following scale, provided that the Superintendent shall not without the previous sanction of the Dewan impose a forfeiture of more than 24 marks for any one offence:—

		Marks.
(i)	For talking at meals, parades or musters, holding unnecessary communication with Warders, or failing to bathe in accordance with orders	6
(ii)	For failing to wear clothing, class badge, ticket or other distinctive mark in accordance with orders or for exchanging clothing with another prisoner ...	6
(iii)	For leaving work, work-shed or yard, changing or attempting to change assigned place at work, at meals, or in sleeping-ward, or loitering about the yards or wards without permisson	12
(iv)	For committing a nuisance in any part of the Jail not assigned for that purpose or for any other breach of sanitary or conservancy Rules	24
(v)	For failing to keep clothes, blankets, bedding, eating vessels and person clean and in proper order	24
(vi)	For negligence in performance of tasks, if first occasion	24
(vii)	For gambling or playing any game within Jail, for shouting, singing, using abusive or indecent language, quarrelling, or indecent behaviour	36

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		Marks.
(viii)	For concealing food or any prohibited article in the wards or cells, for having in possession, or attempting to receive, any prohibited article	48
(ix)	For stealing provisions or food from the work-house, feeding place or store rooms or any article of clothing from any other prisoner, or for wilful destruction or spoiling of clothing, bedding, work or other Government property ...	48
(x)	For negligence in performance of tasks, after first occasion	48
(xi)	For communicating, or attempting to communicate, with persons outside the Jail or with prisoners of a different class or sex, failing to report any plot or preparation for escape or for any attack upon any Jail officer or prisoner	48
(xii)	For insolence and disrespect to any Jail officer, threatening or assaulting any such officer or convict servant, bringing a false complaint against any Jail officer or prisoner	48

206. Marks converted into Remission and credited as such shall not be forfeited except under the orders of the Dewan, and for such grave offences as are referred to in the foregoing Rule, or for escape or attempt to escape. A prisoner may be punished with the loss of future marks by the Superintendent.

207. For the following offences, the Superintendent may, under orders of the Dewan, exclude a prisoner temporarily or permanently from the benefit of the mark system in addition to any other punishment which may be awarded :—

(1) escape or attempt to escape ;

(2) assault or attempting to assault a Jail officer or convict officer ;

(3) criminal immorality of a gross description.

208. Ordinary marks for the measurable work shall be awarded by the Superintendent himself in presence of the prisoners. It is not necessary that this award be made to the prisoners on the same day but it shall be so done that award is made to each convict every week. The award shall be made by the Superintendent in the mark sheets and posted by the Remission clerk monthly in the Remission sheets.

209. For immeasurable work, the number of marks may roughly be estimated by the Superintendent, and the Jailor or Deputy Jailor shall proclaim to the convicts that each of them has earned so many marks and that 24 marks will purchase one day's remission.

210. Marks for immeasurable work shall be entered on the mark sheets by the Remission clerk and posted by him in the Remission sheets monthly.

211. Marks shall be converted into remission and the actual remission earned shall be recorded quarterly. In converting marks into quarterly remissions any balance of marks after dividing by 24 shall be carried forward to the next quarter. The amount of remission earned quarterly by every convict shall be intimated to him by the Jailor at the first weekly inspection after each quarter.

212. Every convict coming under the operation of these Rules shall be entitled to a remission of one day of his sentence for 24 marks earned by him.

213. In converting marks into remission at the end of a sentence, if there is a balance of 12 and upwards, it shall be considered equivalent to one day's remission; any smaller balance shall be disregarded.

214. Remission, being thus earned in days, shall be recorded in years, months and days both in the mark sheet and Remission statement, a month being taken to consit of 30 days, and a year 12 months.

215. The Superintendent shall forward to the Dewan so as to reach him before the 15th of every Malabar month a statement showing the numbers of convicts who will be eligible

for release under the Remission system during the month next ensuing. This statement shall be made out on the supposition that the convicts named therein will earn their full ordinary marks up to the date named for their release. If the requisite number of marks is not obtained before the date on which the prisoner's release was conditionally sanctioned, he shall not be released until the requisite number of marks is obtained : Provided that he shall not be detained in Jail beyond the term of the full term of imprisonment he has to undergo.

216. Previous sanction of Government to cancelling or reduction of conditional Remission is not necessary. Bad conduct in the interval will be held to cancel the order of release but the fact shall be reported to the Dewan for orders.

217. When a remission of sentence is sanctioned a copy of the order shall be endorsed on the prisoner's warrant and signed by the Superintendent. When prisoners are transferred from one jail to another, their Remission sheets shall be forwarded with them.

GRADING OF CONVICTS AND CONVICT OFFICERS.

218. The following scale of classification and grading of convicts is laid down for the encouragement of good conduct and industry in jails. It shall apply to female as well as male convicts coming under the Remission system, provided that female convicts shall not be eligible for promotion beyond the grade of convict Work Overseer.

219. Every privilege to which convicts may become eligible under the following Rules is permissible only during good conduct and may be forfeited for misbehaviour. Every class of convict and grade of convict officer is liable to reduction to third class convict or to any intermediate class or grade, and any convict or servant so reduced shall not be eligible for re-promotion except in accordance with these

Rules. The Superintendent may award reduction of class or grade as punishment for any offence included in Clauses (viii) to (xii) of Rule 205.

220. A convict on commencing to earn marks shall be admitted into the third class, in which class he must earn 652 marks before he can be promoted to the second class. During the period spent in this class he may be allowed to write and receive a letter and be allowed an interview with his friends once in every eight months. He will be allowed a gratuity at the rate of half a chuckram per mensem. A third class convict will wear no badge. Upon his completion of the prescribed number of marks required to be earned in the third class, he shall be eligible for promotion to the second class.

221. A convict in the second class must earn 490 marks before he can be promoted to the first class. He may be allowed to write and receive a letter once in four months and have an interview with his friends during the same period. He will be allowed a gratuity at the rate of one chuckram per mensem, and as a badge will wear a piece of blue tape, 2 inches long by one inch broad, on the left breast of his jacket. When he has earned the prescribed number of marks, he shall be eligible for promotion to the first class.

222. A convict must be at least four months in the first class and have earned 246 marks before he is eligible for promotion. He may be allowed to write and to receive letters and to have an interview with his friends once in every three months so long as he remains in this class. He will be allowed a gratuity at the rate of one and a half chuckrams per mensem and as a badge will wear a piece of red tape, 2 inches long by one inch broad, on the left breast of his jacket.

223. Besides the above classification of convicts, the following grades of convict officers shall be appointed.

224. From convicts of the first class who are eligible for promotion, shall be elected convict maistries who shall not exceed the proportion of one in every twelve convicts. They shall wear a turban and a badge, and shall receive a

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gratuity at 2 chuckrams per mensem. They shall enjoy the same privilege as to letter-writing and interviews as a first class convict and shall be exempt from fetters. At night, one or more convict maistries shall sleep in each ward and shall, during the day, be attached to each gang. Their duty shall be to aid the Jail Warders—

(*a*) in the maintenance of order and discipline generally in their respective wards ;

(*b*) in supervising the labour of their respective gangs, seeing that each prisoner does his allotted task, and taking care that all tools are properly used and carefully returned to the store ;

(*c*) in paying particular attention to the cleanliness of the person and clothes of the prisoners, and seeing that the prisoners bathe at such hours and as often as ordered ;

(*d*) in bringing to notice any signs of sickness among prisoners ;

(*e*) in escorting individual group of prisoners about the Jail, if necessary ;

(*f*) in discovering and reporting the possession of any forbidden article by any convict and in preventing all breaches of Jail Rules.

225. From convicts of the first class who are eigible for promotion or from the grade of maistry, shall be selected convict Work Overseers. They shall not exceed the proportion of two to each workshop. They shall wear a distinctive dress and badge, shall be exempt from fetters and shall be permitted to write and receive letters, and to have an interview with their friends once a month. They shall receive a gratuity of 3 chuckams per mensem and be allowed to mess separately from other convicts and may be allowed separate sleeping accommodation.

226. Their duty shall be to aid the Jail establishment—

(i) in superintending the labour of the prisoners in the workshops, in seeing that each prisoner performs his appointed task carefully, that he does not

wilfully waste the raw materials, damage the machinery, nor spoil work entrusted to him ;

(ii) in enforcing silence, order and regularity in the workshops ;

(iii) in seeing that the various implements for work are placed in safe custody and kept in proper order ;

(iv) in making over to the Jailor or other Jail officer all work completed during the day in their respective workshops ;

(v) in maintaining as high a degree of cleanliness, order and neatness as possible in the workshops ;

(vi) in bringing breaches of discipline, short work and misconduct of every kind among the prisoners to the notice of the Jailor.

227. From the grades of convict maistry and convict Work Overseer shall be selected convict Warder Guards, subject to the following conditions :—

(1) that they shall have served at least one year in one of the two lower grades of convict officers ;

(2) that they shall have completed one-half of their sentences of imprisonment ; in the case of life-convicts this will be taken at 10 years, remission included ;

(3) that they have no serious offence recorded against them in the Jail punishment-book.

228. The strength of the convict Warder Guards shall be fixed from time to time by the Dewan in accordance with the requirements of the Jail. They shall be divided into three grades.

229. Convict Warders shall receive a gratuity at the following monthly rates :—

1st grade—14 Chuckrams.
2nd grade—10 do.
3rd grade—7 do.

Half the monthly gratuity may, at the convict's option, be spent in the purchase of extras other than liquor and drugs. The balance shall accumulate and be paid to him on release,

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230. Convict Warder Guards shall be provided with quarters within the Jail quite distinct and entirely separated from those of all other convicts, and no other convict shall be allowed to enter the Convict Warder Guards' quarters. Convict Warder Guards shall mess, be shaved, and if possible, bathe in their yard, or if they cannot have a well to themselves, they shall bathe at different times from other convicts. Their washing shall be done by convict dhobies, and they shall be paraded in their own yard. They shall be exempt from corporal punishment and from fetters or ankle-ring, and shall not be required to shave or cut their hair closer than may be necessary on grounds of health and cleanliness. They shall be permitted to write and receive a letter and have an interview with their friends once a month.

231. Their duties shall be to undertake such portions of the intramural guarding by day and night as are committed to them. No convict Warder Guard shall be allowed outside the main gates. A duty-roster will be kept, and day and night duty shall be as equally divided as possible.

232. The uniform of convict Warders shall be as follows:—

(1) two white tunics and long trousers of somewhat better quality than those ordinarily supplied to convicts;

(2) a white turban; and

(3) a brown leather belt.

Every convict Warder shall wear his number on his tunic and shall be supplied with a whistle and baton.

233. The following special scale of punishment for offences committed by convict Warder Guards is prescribed. All fines of marks in excess of 24 must be submitted to the Dewan for sanction. Charges against convict Warder Guards should be investigated with special care, as it is of great importance that there should be no want of stability about the office:—

I. Neglect of duty, such as sleeping on patrol or sentry or leaving his post without permission, &c., or disobedience of orders.	Reduction of grade, with or without fine of marks, and with or without forfeiture of money earned, according to the gravity of the case and at the discretion of the Superintendent. Fine not to exceed 120 marks, and forfeiture of money shall not exceed more than one month's earnings as convict Warder Guard.
II. Insolence and insubordination *accompanied* by violence.	Reduction to third class convict, with forfeiture of all remission earned while in Prison, and of all money earned as convict Warder Guard, and barred from re-employment in any capacity as a convict officer.
III. Insolence or insubordination *unaccompanied* by violence.	Reduction of grade, with or without forfeiture of remission, and with or without fine of money earned, according to the discretion of the Superintendent. The forfeiture of remission awarded shall not exceed ⅓ earned while in Jail and the fine of money shall not exceed six months' allowances as convict Warder Guard.
IV. Possession of contraband articles; or acting or attempting to act as an intermediary for the procuring of contraband articles.	Fine of marks not exceeding 120 and of money not exceeding one month's allowances as convict Warder Guard.
V. Minor offences.	Fine of marks not exceeding 48 with or without fine of money not exceeding one month's allowances as convict Warder Guard.
VI. *First* repetition of any offence within six months.	Fine of marks or money or both may be doubled.

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Second repetition of any offence within the above period.	Reversion to third class convict with forfeiture of all remission and money earned in Jail.

234. Promotion to any grade of convict officer is contingent on the prisoner being physically fit to perform the duties of the office. If a convict Warder Guard or other convict officer becomes permanently incapacitated for his post, he must be reduced.

235. When prisoners are employed in out-door or in-door labour, they shall have a warm meal before starting for work and shall carry with them a small quantity of rice-cake to be eaten at midday when they may be allowed not more than an hour's rest; and they should have a third meal at about 5 P. M. on returning from work.

236. The following are the sanctioned diet scales, and no reduction should be made from them, except in the case of prisoners on punishment diets:—

REVISED DIET SCALE.

Article.	Prisoners sentenced to R. I.	Non-labouring and under-trial prisoners.	Remarks.
Rice.	30 oz. daily.	25 oz. daily.	
Dholl for those who will not eat mutton.	2 oz. twice a week.	2 oz. twice a week.	
Buttermilk.	10 oz. 4 times a week.	10 oz. 4 times a week.	10 oz. daily to all Brahmins.
Tamarind.	½ oz. daily.	½ oz. daily.	
Salt.	1 oz. ½ dram daily.	1 oz. ½ dram daily.	
Curry-powder.	½ oz. daily.	½ oz. daily.	
Vegetables.	6 oz. daily.	6 oz. daily.	
Onions.	½ oz. daily.	½ oz. daily.	
Cocoanut.	1½ oz. daily.	1½ oz. daily.	
Mutton.	4 oz. once a week.	——	
Fuel.	1½ lbs. daily.	1½ lbs. daily.	
Cocoanut oil.	1 dram daily.	1 dram daily.	
Mustard seed.	4 grains daily.	4 grains daily.	
Cummin seed.	2 grains daily.	2 grains daily.	

The following is the recipe for curry-powder:—

Chillies	...	oz. 3	drs. 8.
Coriander seeds	...	oz. 3	...
Turmeric	...	...	drs. 8.

Rice may be reduced by 2 oz. for non-labouring males, females and juveniles of the 1st and 2nd classes and also fish and dholl by 1/5 in the 2nd class, and rice, dholl, meat and fish by 1/5 in the case of such prisoners of the 3rd class.

Europeans (including "European British subjects.")

DIET SCALE.

Articles.		Diet scale for labouring males.							Diet scale for females, non-labouring male prisoners and under-trial prisoners						
		Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.
Bread	Oz	18	18	18	18	18	18	18	16	16	16	16	16	16	16
Meat uncooked	,,	4½	7	4½	7	4½	4½	7	3	4	3	4	3	3	4
Potatoes	,,	8	8	8	8	8	...	8	6	6	6	6	6	...	6
Vegetables	,,	6	...	6	...	6	6	...	6	...	6	...	6	6	...
Flour	,,	5	5	5	5	5	5	5	...	...	...	...	...	...	...
Suet	,,	¾	¾	¾	¾	¾	¾	¾	¾	¾	¾	¾	¾	¾	¾
Salt	,,	1	1	1	1	1	1	1	1/10	1/10	1/10	1/10	1/10	1/10	1/10
Rolong or suji meal,	,,	2	2	2	2	2	2	2	...	...	...	...	...	...	...
Dal meal	,,	1	...	1	...	1	1	...	1	...	1	...	1	1	...
Coffee	pint	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Tea	,,	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Sugar	Oz	2½	2½	2½	2½	2½	2½	2½	1½	1½	1½	1½	1½	1½	1½
Onions	,,	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Pepper	,,	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10	1/10
Mint or parsley	,,	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8	1/8
Rice	,,	5	4	5	4	5	8	4	5	6	5	6	5	8	6

NOTE.—On Saturdays ½ oz. curry-powder should be issued in lieu of parsley, mint and pepper. Firewood 2 lbs per head per diem.

Foreign convicts (i. e., those from outside India.)

DIET SCALE.

Articles.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday	Sunday.
	Oz.	Oz.	Oz.	Oz.	Oz	Oz.	Oz.
Rice (raw) ...	24	24	25	24	24	24	25
Dholl ...	2	4	5	4	2	4	4
Mutton or fish ...	5	...	2	...	5	...	...
Oil. (cocoanut or gingely) Ghee ...	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Tamarind ...	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Salt ...	1	1	1	1	1	1	1
Curry-powder ...	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Vegetables ...	4	4	4	4	4	4	4
Onions ...	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Garlic Grs. ...	30	...	30	...	30	...	...

Fuel 1¼ lbs. per head per diem.

237. The allowance of vegetables shall be calculated after the stalks, skins, and refuse have been separated, and only good succulent vegetables shall be used. Similarly the allowance of tamarind may be issued free of husk and seeds.

238. The allowance of salt may be increased in times of epidemic diseases such as cholera, &c., by order of the Medical officer and that of vegetables may be similarly raised to any reasonable extent.

239. The Superintendent and the Medical officer shall exercise the utmost vigilance in the supervision of the food supplies, and the articles of diet issued for consumption shall be inspected *daily* by the Jailor or Deputy Jailor and the Medical officer. The Medical officer shall pass the rations, if found to be of good quality, and shall especially see that an adequate supply is made. Any defect in quality noticed by the Medical officer shall at once be reported to the Superintendent by the Jailor.

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239 A. Under very exceptional circumstances which should be reported to Government, the Superintendent may, in the absence of the Medical officer, pass the rations after personally inspecting the same.

240. All articles of food issued for consumption shall be weighed daily by the Deputy Jailor, who shall be responsible that the proper quantity is issued for every prisoner. From time to time, the Superintendent shall check the issues of rations thus made. In weighing or measuring rations and food, avoirdupois weights and the prescribed measures shall always be used, and a proper set of scales, weights and measures shall be maintained in the Jail, and shall be frequently tested by the Superintendent.

241. Criminal prisoners shall be divided into messes according to the class of diet they receive and cooks of suitable caste and good behaviour shall be selected.

242. European prisoners who do not know cooking may be allowed a native convict to cook for them.

243. Cooks should be watched carefully, and occasionally changed, to prevent stealing or tampering with the food on their part; anything of the kind, if discovered, shall be severely punished.

244. It is of the highest importance that the food supplied to the prisoners should be thoroughly and properly cooked, and that the full quantity issued shall reach them. At least once a week, the food, when cooked and ready for issue, shall be inspected without previous notice by the Medical officer and the Superintendent, care being taken that it is properly prepared and that the full quantity is received by the prisoners.

245. Every prisoner shall be provided with suitable tin or earthern eating and drinking vessels. It is desirable that all the vessels used in the Jail shall be of a uniform material and pattern and that earthenware vessels may be supplied to short-termed prisoners, *i. e.*, those sentenced to less than one year, and tin vessels to others. The use of brass vessels is prohibited. No prisoner is to be compelled to use a vessel of a material forbidden by his caste.

246. The dietary of prisoners in hospital is entirely under the control of the Medical officer who may either keep the prisoner on the ordinary Jail-diet of his class or may place him on the regular hospital dietary or may order for each individual case such extras as he considers necessary, but he should exercise such economy as is not inconsistent with the well-being of the sick.

246A (*a*) The ordinary Jail hospital diets shall be the same as those in force in the State hospitals.

(*b*) The Medical officer shall send daily not later than 9 A. M. to the officer in charge of rations, an indent in the subjoined Form, showing the number of hospital diets of each class required as well as all extras. These diets shall be cooked in the hospital kitchen.

Form. Indent for hospital diets and extras required for the sick in the Central Jail Hospital on 109 .

Number required.	Class of hospital diets.	Extra articles.	Quantities.
	Full diet		
	Half „		
	Conjee „		
	Spoon „		
	Total		
	Jail diet		
	Total		
	Grand Total ..		

Medical officer.

Rule No. 246 A (in addition to the present indent Form.)

MEMORANDUM OF ADMISSIONS, DISCHARGES AND CHANGES OF DIET.

Change of Diet.				Admitted.			Discharged.		
Register No.	Name.	From.	To.	Register No.	Name.	Diet.	Register No.	Name.	Diet.

CLOTHING.

247. Every prisoner under sentence of rigorous imprisonment shall wear Jail clothing as prescribed in these Rules, shall be supplied with Prison bedding and shall not be allowed to retain any article of private clothing, any necklace, ornament or article other than the caste-thread or the Thali of a woman.

248. All Jail clothing shall be of uniform pattern and texture to be prescribed by the Dewan.

249. The clothing of all male prisoners not being convict officers shall consist of a short jacket, trousers, cap and lungoti. These articles shall constitute a suit. No pocket or opening in a lining shall be allowed to be made in nay part of the suit.

250. In the case of male native convicts under sentence for life, the colour of the cap shall be red; male habitual convicts shall wear a blue cap; and all other classes of male convicts a white cap.

251. The clothing of a female convict shall consist of two moondoos or cloths of ordinary size; in case of non-malayalee females, a single cloth six yards in length and one and a quarter yards in width.

252. Every male native convict shall, on admission to Jail, be supplied with one suit of uniform and one moondoo.

253. The suit shall be kept for inspection and the moondoo shall be worn at all other times, provided that convict officers may be supplied with an old or part-worn suit to be worn during labour, and cooks may be allowed an apron of coarse canvas or gunny.

254. No convict shall receive a fresh issue of uniform oftener than once in twelve months. A new moondoo shall be issued once in four months.

255. Clothing shall be issued to convicts at the following intervals, namely, to males, a new cap and coat not oftener than once in 9 months, and a new pair of trousers not oftener than once in 6 months; to females a new cloth not oftener than once in 9 months.

256. The Prison clothing shall on no account be given to prisoners discharged, and care shall be taken to see that prisoners, on release, surrender their proper clothing. Clothing so received should be examined and, if fit for further use, it will be repaired, thoroughly boiled and washed, and laid by for re-issue as part-worn clothing.

257. The date of issue as well as the convict's number will be marked on all clothing and bedding issued. In the case of habituals, the letter "H" shall also be marked on the right breast of their jackets.

258. The bedding of native prisoners shall consist of two cotton jamakalams and a coir mat 8 ft. in length and 2½ ft. in breadth one end of which is to be rolled up to form

a pillow. These should last fully *three* years. No prisoner shall be allowed to wear or use his jamakalam while at work.

259. Foreign convicts shall receive the same clothing and bedding as native convicts.

260. The following scale of clothing and bedding shall be allowed annually to European male prisoners:—

Coats	2	Pillow cases ...	2
Trousers (cotton)	2	Towels	2
Shirts do.	2	Comb	1
Sleeping drawers do.	2	Straw mat	1
Night shirts do.	2	Mattress	1
Pairs of socks ...	2	Cumbly blanket ...	1
Hankerchiefs ...	2	Flannel banians ...	2
Hat...	1	Boots pairs ...	2

260A. The following scale of clothing shall be allowed annually to European female convicts:—

Bodices or jackets (cotton)	2	Handkerchiefs ...	2
Petti-coats do.	2	Boots pairs ...	2
Banians (flannel)	2	Sun-hat (pith) ...	1
Chemises (cotton)	2	Towels ...	2
Night gowns do.	2	Comb	1
Stockings, pairs of	2		

The scale of bedding is the same as for male prisoners.

261. Extra clothing and bedding shall be issued to any sick, aged or infirm prisoners on the written requisition of the Medical officer.

261A. Clothing and bedding required for hospital use should be obtained by indents in the subjoined Form. Such indents shall be forwarded in duplicate by the Medical officer to the Superintendent, who will submit them for the sanction of the Dewan. For articles other than articles of diet, clothing and bedding, the Medical officer shall indent either by letter or by entry in his journal

Indent for hospital clothing and bedding on the Superintendent of the Central Jail, Trivandrum.

Articles.	Daily average number of in-patients.	Date of last indent.	No. in hand as per last indent.	No. received on last indent.	Total.	Expended since.	No. serviceable now on hand.	No. now indented for.	No passed by Dewan.	Remarks.

Date. Medical officer.

Submitted to the Dewan.

Supt: Central Jail.

Returned, sanctioned as per column.

Dewan.

262. As uniform, convict officers shall wear a turban and a badge.

263. Civil prisoners and prisoners under trial and prisoners sentenced to simple imprisonment may be permitted to wear their own clothing, to supply their own bedding, and use their own drinking vessels.

264. Every Civil and under-trial prisoner, unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

265. When any Civil prisoner has been committed to Prison in execution of a decree in favour of a private person, such person or his representative shall, within 7 days after the receipt by him of a demand in writing, served through the Court under whose warrant he is detained, pay the Superintendent the cost of clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner may be released.

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CONVICT LABOUR AND JAIL INDUSTRIES.

266. Jail labour is divided into three classes—light medium and hard. The following list distributes the chief Jail employments under these three classes :—

Hard.	Medium.	Light.
1. Short-drill.		
2. Treadmill, crank, capstan or pug-mill.	1. Carpet & durrie-weaving	1. Twisting thread or fibre.
3. Public Works labour.	2. Tape and money-bag-weaving.	2. Teasing coir, wool or thread.
4. Road making.	3. Cloth printing	3. Making bobbins.
5. Earth-digging.	4. Basket, bamboo and rattan work	4. Splitting and dressing cane.
6. Masonry work.	5. Carpentry (general)	5. Lacquering.
7. Stone-quarrying, breaking or cutting.	6. Leather working.	6. Folding paper.
8. Carrying or bauling loads (earth, water, stones, stores, &c.).	7. Tin work.	7. Making envelopes.
9. Raising water.	8. Book binding.	8. Sizing and drying paper.
10. Hewing and cleaving firewood.	9. Dyeing	9. Dressing vegetables.
11. Lime grinding	10. Tent making.	10. Grain or seed sifting.
12. Pounding bricks.	11 Tailoring.	11. Sweeping.
13. Extracting coir, aloe or other fibre by pounding or beating.	12. Sewing gunny bags.	12. Weeding and light gardening.
14. Oil pressing.	13. Pulse-husking.	
15. Grinding grain.	14. Winnowing grain.	
16. Husking and cleaning grain.	15. Flour-sifting.	
17. Brick and tile-making.	16. Storing and weighing grain.	
18. Sawing wood and rough carpentry.	17. Cleaning lamps and utensils.	
19. Blacksmith's work.	18. Cleaning and colourwashing wards.	
20. Press work.	19. Polishing furniture.	
21. Printing.	20. Gardening.	
22. Weaving of all kinds not included under *Medium*.	21. Laundry-work.	
	22. Hair-cutting.	

Hard.	Medium.	Light.
23. Warping by manual labour. 24. Mule-spinning. 25. Blanket-manufacture. 26. Bowing wool or cotton. 27. Felting or shrinking blankets. 28. Rope-making. 29. Pottery. 30. Paper and pasteboard making. 31. Scavenging. 32. Cooking.		

267. When the Medical officer has certified as required by Rule 112 the class of labour for which a convict is fit, it will rest with the Superintendent to determine the particular employment to which the convict should be drafted. In thus apportioning employment, care should be taken not to assign to any convict labour beyond his physical strength to perform.

No prisoner who has escaped or is a member of a wandering gang or criminal tribe or has a bad character in the Jail or is believed to be a desperate character and no female prisoner shall be employed on extramural labour.

268. As a general rule, convicts during the first period of their sentences shall be placed on the hardest description of labour of which they are capable, such as raising and carrying water or stone-breaking, and, unless removed on medical grounds, shall not be placed on a lighter description of labour till they have risen to the second class.

269. Frequent change of labour shall be avoided, and, when a prisoner has been allotted one employment by the Superintendent, it shall not be changed except under his general or special orders or in cases of emergency.

270. Every adult labouring prisoner not excused on medical grounds shall perform not less than 8 hours' and not more than 9 hours' work daily.

271. Whenever work is susceptible of measurement, a definite task shall be prescribed and exacted from every prisoner. In other cases, such an out-turn of work shall be exacted as should fairly represent 8 hours' work.

272. Every convict, on being first put to learn any kind of work, shall be allowed a reasonable time in which to learn it, and if, during this time, he shows due diligence and makes satisfactory progress, he shall receive the marks for industry. The time which is necessary to enable a convict to learn his work and produce the full task will differ according to the industry. In such cases as reeling thread, winding, grain-pounding, grain-grinding, &c., a few days' experience will be sufficient, and a full task should then be exacted. In the easier forms of weaving, such as convict cloth, full task should be required after three months. In the more difficult forms of weaving and in boot-making, a longer time to learn the work will be required. Care must be taken that in estimating a convict's progress, due allowance is made for differences in intelligence and physical strength.

273. Industry rolls in the prescribed Form shall be kept, showing the amount of work performed by every convict on the mark system, and the Jailor shall be responsible that tasks are carefully measured and entered daily. From this entry the marks earned will be calculated and awarded by the Superintendent under Rule 208.

274. Labouring prisoners refusing to work, neglecting to perform the task assigned to them, executing their tasks in a slovenly or careless manner, or wilfully spoiling or destroying tools, machinery, materials or work, shall be liable to punishment under Rules 172—190.

275. Every possible advantage shall be taken of convict labour in executing repairs or new works connected with the Jail, and no article for Jail use which the prisoners can manufacture for themselves shall be purchased in the local market.

276. All the menial work of the Prison shall be performed by convicts, care being taken that the work assigned to any convict is not such as is objectionable on account of caste or social standing; but habituals with three convictions shall not be exempt from any kind of work on the score of caste.

277. The proportion of prisoners employed as Jail servants, (i. e., cooks, barbers, water-carriers, scavengers, &c.,) and hospital attendants, shall not exceed 10 per cent. of the total number of prisoners in Jail, except during epidemic visitations of disease, when the number may be increased on the requisition of the Medical officer, the same being duly reported to the Dewan for orders. Not more than one sweeper shall ordinarily be allowed for 50 prisoners.

277 A. A small gang of four convicts may be sent daily in charge of a Warder to the quarters of the Jailor and the Jail Medical officer living on Jail premises The gang shall work for half a day at each quarters. The duties of this gang shall be limited to the following services:—

(1) sweeping the compound;

(2) removal of filth from the compound and premises;

(3) supply of water for drinking, cooking and bathing purposes.

The Superintendent shall be responsible that the employment of this gang is not subject to any abuse.

278. The first object to which the industries shall be devoted is the supply of Jail requirements. When these are satisfied, Jail industries shall be adapted as much as possible to meet the requirements of other Departments, and these Departments are bound to obtain articles which they require from the Jail, provided that they can be supplied from the Jail of the same quality and at the same price as they can be obtained in the open market. It is only when these sources of employment are exhaused, that Jail industries should be devoted to producing articles for general sale, and if any Jail industry is proved seriously to injure any local trade, it should be discontinued in favour of some other kind of employment.

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279 Convicts shall not be employed in association with free labourers: Provided this Rule shall not be held to prohibit the employment of skilled workmen as foremen or instructors on public works or in other industries.

280. The duty of setting and enforcing tasks and guarding the prisoners shall rest with the Jail officers. It shall be the duty of the Prison officers to take every precaution against escapes and any negligence on their part whereby a prisoner may be allowed to escape will render them liable to Criminal prosecution. The Superintendent shall make arrangements for the inspection of the labour of all out-door gangs at least once a day by either the Jailor or the Deputy Jailor, and he shall himself, once a week, inspect all works done by convicts beyond the precincts of the Jail, and satisfy himself that proper tasks have been performed. Any Warder or other Prison officer neglecting to report any fault or deficiency of work during the day on which such faults shall have occurred, shall be liable to fine.

281. A convict Overseer shall be responsible for the due performance by each prisoner in his gang of a fair proportion of work and for bringing to the notice of the Warder all neglect, refusal to work or other misconduct of any prisoner in his gang; he is further responsible for the proper use and care of all tools and implements in use by his gang, and for their being returned to the Jail, at the close of the day's task.

282. No gangs employed beyond the precincts of the Jail shall consist of less than 25 convicts fully guarded, except in the case of gardeners, scavengers, and burial parties whose selection and employment shall be regulated by the Superintendent. Civil prisoners may be permitted, if they choose to do so, to work at their trade or calling, provided that such employment does not interfere with the discipline of the Jail; such debtors as find their own implements, shall be allowed to receive the whole of their earnings; but the earnings of such Civil prisoners as are furnished with implements, shall be liable to a reduction to cover the wear and tear of such implements.

283. The Jailor shall be careful that all tools and implements in use by convict gangs are in good order.

PRISONERS' PROPERTY.

284. Property delivered with or found on a prisoner on admission, or afterwards sent to him openly and through the Superintendent, shall be dealt with under the following Rules.

285. If it consists of prohibited articles, such as tobacco, snuff, opium, ganjah, or any other drug or liquor, it shall be destroyed.

286. If it consists of perishable articles, it may be sold and the proceeds dealt with under Rule 289.

287. If the Medical officer considers there are sanitary objections to the retention of the clothing of any prisoner, or if any prisoner is on admission suffering from any infectious or contagious disease, the clothing shall, under the written order of the Medical officer, be destroyed.

288. The clothing of a prisoner, if ragged or absolutely worthless, may be destroyed. In the case of a prisoner sentenced to rigorous imprisonment for three years or upwards, his clothes, if of the ordinary kind, may be sold, on confirmation of the sentence or expiration of time for appeal, and the proceeds dealt with under Rule 289. In other cases, the clothing of a prisoner sentenced to rigorous imprisonment shall be tied up in bundles and stored, after having been first washed.

289. Lotahs and other non-perishable and bulky articles shall be included in the clothing bundle. Money, jewellery, or other valuable property, shall be made up into a separate packet which should be sealed by the Jailor in the presence of the Superintendent and of the prisoner.

290. Every bundle and packet shall be labelled with the number and name of the prisoner to whom it belongs together with the date of release. Bundles of clothing and bulky

articles shall be kept in a place appropriated for the purpose under the Jailor's charge. Packets of valuables shall be locked up, the key being in the Jailor's charge.

291. An entry shall be made in the proper column of the general register, describing in detail all property thus delivered with or found on a prisoner on admission, or that may be afterwards received upon his account.

292. When a prisoner on admission is brought before the Superintendent, it shall be his duty to see that all money, jewellery, clothing, and property brought with or found upon the prisoner have been duly entered in the register in the manner above provided. These entries will be read over to the prisoner in the presence of the Superintendent, the property belonging to him being at the same time shown to him. If the entries and articles are acknowledged to be correct, the prisoner shall be required to sign or mark the register in token thereof. The Jailor shall also initial the entry in token of having received the property into his charge.

293. On the transfer of a prisoner to another jail, all his property shall he sent with him.

294. Money, valuables or other properties belonging to a prisoner may, at the discretion of the Superintendent, on the request of the prisoner, be delivered to the prisoner's relatives or to whomsoever the prisoner may name. In such cases of property being made over to others at a prisoner's request, a receipt in writing for the same shall be taken from the person to whom the property is made over, and the prisoner's signature shall be taken in the register, in proof of his having consented to the property being made over to the recipient.

295. on the release of a prisoner, all property shown as his in the register shall be made over to him, in the presence of the Superintendent. An entry of the delivery shall be made in the register and shall be signed by the prisoner, if he can write, as well as by the Superintendent and Jailor.

296. No Jail officer or other person in any way connected with the Jail shall be allowed to receive or use any article of any kind or description belonging to a prisoner, whether given to him or not, either before or after the prisoner's release.

297. The Jailor is responsible for the property being found to correspond with the entries in the register on the prisoner's leaving the Jail or dying.

298. In the event of the death of any prisoner in Jail, all property belonging to him in custody in the Jail shall be sent by the Superintendent to the Dewan for disposal. The wishes of any dying prisoner about his property, should be mentioned in the forwarding letter.

299. Property of any kind found on a prisoner subsequent to the search on admission, shall be forfeited and carried to the credit of Government.

RELEASES.

300. During the last week and not later than the 25th of every month, a nominal list of prisoners to be released during the ensuing month, shall be carefully prepared from the general convict-register, release-register and Remission-register and shall be checked by the warrants. The names of prisoners contained in this list shall be read out by the Jailor at a general parade to be held on the last day of each month and any complaint of omission shall be at once inquired into by the Jailor and if necessary brought under the notice of the Superintendent.

301. Upon the date on which a convict becomes entitled to release, he shall be produced before the Medical officer and his state of health recorded in the register. He shall then be produced by the Jailor before the Superintendent together with his warrant, the general convict-register, the release-register and the release-diary, and his clothing and other property.

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302. The Superintendent shall compare the entries in the warrant with those in the registers and shall satisfy himself that they agree and the sentence passed on the prisoner has been duly executed. He shall then sign the endorsement for release on the back of the warrant certifying to the execution of the sentence and the date of release, and shall add his initials together with the date in the proper column of the general convict-register.

303. All property, which is entered to the credit of the prisoner in the proper column of the general convict-register, shall then be produced and made over to him and an acknowledgment of its receipt shall be taken from the prisoner. At the same time, he shall be paid whatever gratuity he may have earned under the Remission Rules.

304. Destitute prisoners released at a distance from their homes, shall be furnished with batta or diet-money for their journey at the rate of 2 annas for every 20 miles they may have to travel by road. If it is impossible for them to travel except by boat, they shall be furnished with boat-hire. In the case of foreign convicts, diet-money shall be paid up to the frontier.

305. Destitute sick prisoners on release, if incapacitated from travelling on foot, may be furnished with cart-hire by the Superintendent.

306. Prisoners shall ordinarily be released in the clothing in which they came to Jail, but if this has been destroyed or sold or appear insufficient for decency, a piece of cloth (not being convict cloth) may be given to them, and in the case of European or East Indian prisoners, a coat and trousers. The value of any clothing given under this Rule shall be deducted from the proceeds realised by the sale of the clothing in which the prisoner was received, or if this be not sufficient, shall be charged in the contingent bill.

307. Care shall be taken that released prisoners do not carry away with them any article of convict clothing or other Jail property.

308. All prisoners shall be released at the Jail gate. No prisoner shall be released after 6 P. M. Ordinarily prisoners shall be released as soon as possible after the morning meal so as to enable them to reach their homes or find lodging before night. When a prisoner is undergoing imprisonment in default of payment of fine, and the fine is paid to the Superintendent or Jailor after lock-up on Saturday or Sunday, the prisoner shall not be released until the following Monday morning.

309. No prisoner shall be discharged from Jail on the expiry of his sentence if labouring under any acute or dangerous disease, but shall be detained in hospital until the Medical officer considers he can be safely sent out, unless such prisoner shall demand to be discharged sooner.

310. On the release of a prisoner, the warrant under which such prisoner was confined, shall, within 36 hours, be returned by the Superintendent to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed, or the reasons, such as remission, pardon, sentence reversed (with the number and date of any orders of Government or any Court authorising the same), why the person committed thereby has been discharged from custody before the term thereof, and the date of the return of the warrant, shall be recorded in the convict-register. The endorsement shall be in the following Form :—

I hereby certify that the sentence of ..... passed on .....by the Court of Session (*or as the case may be*) in case No. .....of 10 , has been duly executed, and that the said.....has this day been released (*or as the case may be*) from this Jail on expiry of sentence or on remission of sentence.

Jailor.

Superintendent.

311. When a prisoner has to undergo one or more sentences under different warrants, at the expiry of each sentence, the warrant relating to it shall be separately endorsed and returned to the Court.

312. When a prisoner dies in Jail, his warrant shall be similarly returned to the Court within 36 hours, with an endorsement certifying how far the sentence was undergone and the cause of death.

313. Orders or warrants directing the release of a prisoner shall be addressed to the Superintendent and sent direct to him. No action shall be taken on a telegram directing the release of a prisoner, unless such telegram purports to have been sent by the Dewan or the High Court.

314. When a prisoner is acquitted after trial by a Sessions Court, it is not necessary to send a formal warrant of release to the Superintendent of the Jail

315. Not later than the 25th of each month, the Superintendent shall send to the Dewan and to the Superintendent of Police, a list of prisoners who will be released during the next ensuing month.

316. At the end of each month, the Superintendent shall furnish the Superintendent of Police with a list of all convicts who died in the Jail during the month.

317. In all cases of complete and incurable blindness not caused by any act of the prisoner in order to procure release, of decrepitude or other incurable infirmities such as absolutely incapacitate a prisoner from all further commission of crime on release, and when release would not be attended with mischief or danger, a report recommending the release of such prisoner shall be submitted by the Superintendent to the Dewan. This report shall contain a statement of the prisoner's crime and sentence, the opinion of the Medical officer, and such remark as to the propriety of release, as may appear necessary to the Superintendent.

318. If the Medical officer considers that any prisoner is dangerously ill, and that the illness has been caused by the imprisonment, or is or will be so aggravated by further imprisonment as to endanger the prisoner's life, he shall record a certificate stating briefly the nature of the disease, that it was not caused or aggravated by any acts of the prisoner in

order to procure release, and that in his belief, he will certainly die very shortly if he remains in confinement. In order to be accepted by Government, the certificate must be strictly in accordance with the terms of this Rule. To it the Medical officer shall append a full statement of the medical case and of the reasons which led him to the belief expressed in the certificate.

319. Upon such a certificate and statement being recorded by the Medical officer, the Superintendent shall forthwith forward the same to the Dewan. He shall also forward a nominal roll showing the prisoner's crime and sentence, conduct and age, period of sentence undergone and remission earned, and may add any remarks as to the advisability or not of release being granted.

320. In the absence of instructions to the contrary, every release from Jail on medical grounds under Rules 317—319 shall be subject to the condition that the convict agrees and subscribes to the conditions set forth in the prescribed Form as to the terms to which the suspension of sentence is subject. This Form shall be signed by the convict and a duplicate copy shall be delivered to him on his release, the other being retained in the Jail. The convict shall be instructed to produce his copy of the Form of release when reporting himself to the Police authorities, but it should not be taken from him.

321. If it is ascertained that a prisoner who has thus been conditionally released has broken the conditions on which he was released, by committing a new offence, information should be given to the Magistrate of the District who will report the matter to Government.

322. When a prisoner is liable to fall a victim to any disease from which he may be suffering and which has been contracted in the place of imprisonment, Government shall be invited to direct the release of such prisoner, but in every instance in which such a report is made, a certificate from the Durbar Physician stating briefly the nature of the disease under which the prisoner is suffering and that in his belief

there is no reasonable chance of recovery for the said prisoner in the Jail or that the said prisoner may die if he remains in Jail, and that the prisoner has a better chance of recovery if released, must be forwarded.

GUARDING.

323. The guarding of the main gate shall devolve on the Military. The establishment for the purpose shall consist of a Havildar, a Naique and 9 Privates. The Military shall obey all reasonable orders of the Superintendent of the Jail.

324. The guarding of the tower and the wards shall be done by the Warder establishment.

325. The Warder establishment of the Jail shall be divided into two portions, *i. e.*, the Reserve Guard and the ordinary Warder Guard. The first portion shall do the whole of the guarding of the Jail except the main gate and shall have nothing to do with the internal administration, while the second shall have nothing to do with the guarding except as hereunder provided.

326. The Reserve Guard's duties by day are (1) to furnish the sentry at the tower and such other sentries as the Superintendent may direct, (2) to be present in the guard-room ready at once to turn out on the alarm of a disturbance being given.

327. The full strength of the Reserve Guard shall be on duty every day from unlocking to lock-up. Arrangements will be made for a portion of them leaving the guard-room in order to take meals, but they can on no account leave the premises without permission from the Superintendent.

328. No sentry shall be posted by day except at the main gate and the tower.

329. The sentries to be posted by night shall include the main gate sentry, the sentry at the central tower, and the sentries over the sleeping wards. Those latter shall be

placed as close to the wards as possible, *i. e.*, they shall patrol the outside wall of the ward inside the yard and shall not be placed on the outer circle or otherwise outside the yard. As far as possible, the posts of sentry over the sleeping wards shall be allotted to convict Warder Guards.

330. It is the duty of the sentry to challenge all unknown or suspicious persons approaching him and to require them to stand and not to approach nearer, unless they can satisfactorily account for themselves, or at night give the password. No convict shall be permitted to approach within 5 yards of the sentry. It is the duty of the sentry to resist all attempts to break into or out of any part of the Jail and to prevent all escapes or illicit communication with prisoners. At night every sentry and especially those posted over sleeping wards is bound to take note of all noises and to report to the Rounds officer anything suspicious or unusual.

331. Before the Jail is unlocked in tho morning, the Reserve Guard shall be mustered under arms outside the main gate and the Jailor will at once post the day sentries. The Guard will remain under arms from the hour fixed for the cessation of work, till the main gate is closed after the gangs have marched in.

332. The ordinary Warder Guard of the Jail comprises all the Warder establishment except the Reserve Guard. They shall be responsible for the internal economy and discipline of the Jail and the supervision of convicts during labour and at other times

333. Warders employed on intramural duties shall carry batons, and those of extramural gangs, shall carry carbines. Escorts of extramural gangs shall, while marching, be divided if of sufficient strength, into front and rear parties of equal numbers, the Head Warder, if any, being with the rear party supervising the whole. The front party shall be sufficiently in advance of the gang to prevent the probability of a rush to seize its arms being successful.

334. Extramural gangs, on arriving at the place of work, shall be halted and ordered to sit down. The Head Warder

shall then divide them into squads, making over each squad to the charge of a Warder. It shall be an invariable rule, that every prisoner shall be in the immediate charge of some specified Warder, who is responsible for his safe custody. The practice of posting sentries round gangs, without committing the custody of any particular prisoner or batch of prisoners to any particular sentry, is prohibited.

335. If a prisoner is injured or taken ill and it becomes necessary to take him back to the Jail, a sufficient number of the best behaved convicts shall be selected to carry him, if he cannot walk, and he shall then be sent back in charge of a single Warder. If the escort is not strong enough to permit of a Warder being detached, the whole gang must be marched back to the Jail with the sick prisoner.

336. The Head Warder in charge of the Reserve Guard shall be responsible that arms are never left within reach of the convicts. All arms shall be kept within the Guard-room and never piled outside.

337. The Jailor and all other officers shall be responsible that no ladders, planks, bamboos, ropes, implements or materials of any kind likely to facilitate escape are left about in the yards at any time. Every Warder in charge of a workshop shall be responsible that all such articles and tools are properly secured and put away when work ceases.

338. Every inspecting officer or Visitor going through the Jail shall be accompanied by an escort of from two to four Warders armed with batons.

MECHANICAL MEANS OF RESTRAINT.

Fetters.

339. Fetters shall not be imposed upon any prisoner as a means of restraint except on the specific ground that such prisoner is refractory, violent, or dangerous, and then only under the direct orders of the Superintendent, provided that in cases of urgent necessity, the Jailor may act on his own authority making an immediate report of his action to the

Superintendent: Provided also that light fetters be used for all prisoners employed on out-door labour.

339 A. If the Superintendent shall consider it necessary to impose fetters on any prisoner under the last preceding Rule, he shall record in the fetter-register the number and name of the prisoner, the date when fettors were imposed, and the reasons which led him to consider the use of fetters necessary.

339B. Fetters shall not be imposed on any prisoner in hospital except with the approval of the Medical officer, but his approval shall not be withheld except on medical considerations.

340. Fetters shall in no case be imposed upon female prisoners or juveniles.

341. To prevent the risk of suicide or escape, fetters shall be suspended from the waist by a strip of leather instead of by rope or string.

342. Fetters shall at all times be kept bright and polished, and prisoners shall be required to keep their own fetters clean, and shall be liable to punishment if their fetters are found rusty or otherwise dirty, after the proper method of cleaning has been explained to them.

Hand-cuffs.

343. Hand-cuffs may he imposed, either separately or in addition to fetters, upon any prisoner who is refractory, violent or dangerous.

344. Hand-cuffs shall only be imposed as a means of restraint and under the orders of the Superintendent.

ESCAPES.

345. The signal that assistance is urgently needed by the escort in charge of a gang outside the Jail, shall be the blowing of a horn. Upon the signal being given, the officer in charge of the Guard shall at once dospatch two Warders or more, if they can be spared, to the assistance of the escort giving the signal.

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346. When an escape takes place from an out-gang, the Warder in charge will, if he needs assistance, at once cause a horn to be blown, will collect the rest of his gang, detach one of his escort, if any is available, to follow the escaped convict, and march the gang back to Jail, where he will at once report the escape to the Jailor or senior officer on duty. If a reinforcement is met during the return to Jail, it should be despatched after the escaped convict.

347. The signal that an escape or attempt to escape has occurred inside the Jail shall be given by the officer who discovers the escape sounding his horn, and the Jail-bell shall also be rung.

348. Upon report being received of an escape from inside or outside the Jail, it shall be the duty of the Jailor or senior officer on duty:—

(1) to despatch a party of sufficient strength to follow and recapture the escaped prisoner;
(2) to send immediate information of the escape to the Superintendent;
(3) to send prompt notice of the escape accompanied by a descriptive roll of the escaped prisoner to the nearest Police Station, to the nearest Magistrate and to the Magistrate of the District.

349. The Superintendent shall cause early intimation to be sent, by telegraph if possible, to the Police near the prisoner's home, and if the prisoner belongs to a District other than that in which he is confined, to the Magistrate of the former District.

350. A report of the escape shall also be sent within 24 hours to the Dewan.

351. If the prisoner is recaptured, intimation of the fact will be given to any officer who has been addressed under Clause 3 of Rule 348 or under Rules 349 and 350.

352. The Dewan may direct that notice of the escape and of the rewards offered, if any, for the recapture of the escaped prisoner shall be published in the Gazette or in any other way.

353. All cases in which prisoners prevent an escape, either by giving warning of any plot or preparation, or seizing a prisoner attempting to escape, or otherwise, shall be brought to the notice of the Government with a view to suitable reward being conferred.

354. An escaped prisoner who is recaptured may be received back into the Jail on the original warrant.

355. Every convicted prisoner who is known to have escaped or to have attempted to escape shall wear a distinctive mark.

OUT BREAKS.

356. It shall be the duty of the sentry on the central tower, to give the alarm of the commencement of an out-break or disturbance, by the discharge of his carbine in the air and the blowing of the horn. Upon this signal being given, or when news of an out-break or disturbance is otherwise received, the Jail-bell shall be rung, and it shall then be the duty of every Jail official who is outside the Jail to proceed at once to the Guard-room, and arm himself under the orders of the senior officer present. This officer will despatch a messenger to the Superintendent and Jailor if they are absent, and to the lines to summon every available man.

357. Upon the alarm being given, the whole Guard and all other officials available shall be ordered to arm with loaded muskets and fixed bayonets and fall in. The main gate sentry with three other Warders shall be posted between gates to defend the main gate and, unless the prisoners are actually threatening the main gate, the rest of the force available should enter the Jail and proceed at the double to the scene of the disturbance. If the prisoners are threatening the main gate, it must be defended until the Guard is strong enough to enter and drive the prisoners back to their yards.

358. It shall be the duty of every convict, immediately upon the alarm being given, to run at once to previously selected places of security which should be the nearest wards,

the doors of some of which might be kept open during the day—usually the nearest sleeping ward, where they shall be as far as possible locked in by the Warders inside the Jail.

359. On reaching the scene of the disturbance, the Guard shall proceed to quell it in such manner as the officer in command may direct, action being first directed to preventing any attempt to scale the walls, to isolating the rioters from other convicts and rescuing any Jail official who may be in danger. If the disturbance is accompanied by violence to any Jail official or by a combined attempt to break out of the Jail or of any particular yard or enclosure, the officer in command should at once warn the prisoners that they will be fired upon if they do not submit. If circumstances permit of the delay, this warning should be given three times and then, if there appears to be no other way of quelling the disturbance, he may open fire on the refractory prisoners, but shall stop firing the moment that they cease resistance or submit.

360. The main gate sentry and the additional Warders posted between gates shall defend the main gate at all risks and shall fire upon any prisoner attempting to force the gates after first warning him that he will be fired upon unless he desists.

361. If the disturbance occurs within the wards, as at night, the available force shall enter the Jail under arms and proceed at the double to the yard gate, whence a party armed with batons shall be detached to enter the ward and quell the disturbance, the remaining force remaining at the yard gate.

362. Gangs which are outside the Jail when the alarm is sounded shall be at once collected and halted under guard of their escort until the disturbance is over.

363. It is of importance that, if an out-break occurs, every man should know precisely what he has to do, and with this object, an alarm parade should be held once a month or oftener at which the procedure laid down in the foregoing Rules should be rehearsed as accurately and as

promptly as possible. It should be especially impressed on convicts that on the alarm being given they must run at once to the assigned place of security, failing which they will be held to be taking part in the disturbance and will be liable to be fired on.

364. In cases of out-break, the Police Guard of the Jail are to be under the orders of the Jail Superintendent until the arrival of the Superintendent of Police or an Assistant Superintendent, when such Superintendent or Assistant Superintendent shall direct the operations of the Police.

ACCIDENTS AND SUICIDES.

365. Upon the occurrence of any case of suicide or of any death from violent or unnatural cause in Jail, the Superintendent shall send an immediate report of the occurrence to the Dewan and shall give information to the District Magistrate and the Superintendent of Police.

366. Prisoners with apparently suicidal tendencies should be carefully watched and not left alone in a cell.

367. Knives and tools used in work-sheds and barbers' or tailors' implements shall be counted over and locked up by the Warders at the close of the work. Well-ropes shall also be properly secured. Care should be taken that pieces of glass or anything likely to be used for suicidal purposes are not left about in the Jail.

368. Poisonous drugs should on no account be left within the reach of prisoners. All poisonous drugs shall be kept under lock and key, the key of which must on no account be entrusted to a prisoner.

INTERVIEWS AND COMMUNICATIONS WITH PRISONERS.

369. Every recently convicted prisoner shall be permitted in any circumstances to write a letter to, or have an interview with, his friends once or twice, so as to enable him to appeal, to execute a power-of-attorney, or to provide for the management of his property.

369A. Every prisoner sentenced to simple imprisonment shall be allowed an interview with his friends once in three months, or at shorter intervals should the Superintendent see fit: Provided the exercise of this privilege shall be dependent on good conduct.

370 Every prisoner imprisoned in default of the payment of any sum, which in pursuance of any conviction or order he is required to pay, shall be allowed to communicate by letter with, and to see any of, his friends at any reasonable time for the purpose of providing for the payment which would procure his release from prison.

371. Interviews and written communications with prisoners, except in the cases dealt with in the two last preceding Rules, shall, if the prisoner comes under the operation of the Remission system, be regulated by the class or grade attained.

372. If the prisoner does not come under the Remission system, he shall be allowed to see his friends or to write or to receive a letter once after six months of his term of imprisonment has expired, and subsequently at such intervals, not being less than four months, as the Superintendent may fix: Provided that the exercise of this privilege shall be dependent on good conduct, and shall be liable to be forfeited for any breach of Rule: Provided also that the privilege admissible under this Rule is in addition to that conceded by Rule 369.

373. No interviews or communications with prisoners other than those permitted by the foregoing Rules shall be permitted except in the following cases:—

(a) When a prisoner is seriously ill, he may, with the consent of the Medical officer, be permitted by the Superintendent to see his friends. The wishes of any dying prisoner regarding his property should, if necessary, be recorded and communicated to his friends or otherwise attended to.

(b) When a prisoner is under sentence of death.

(c) Under the special authority of the Dewan.

374. No interview with any convict shall be permitted except on the written order of the Superintendent. A box shall be placed in a conspicuous position at the main or compound gate in which applications for interviews shall be placed. This box shall be kept locked, the key being retained by the Jailor, who shall open it at a fixed hour daily, and submit all applications to the Superintendent for orders.

375. Fixed hours and days of the week shall be set apart for interviews, but this Rule may be relaxed if the prisoner's friends come from a distance.

376. Interviews between prisoners and their friends shall always take place in the presence of an officer of the Jail, and shall not ordinarily last longer than half an hour; but the Superintendent may, in any special case for special reasons, extend the period of the visit allowed to any prisoner. In the case of female prisoners, the officer present shall be a female.

377. Interviews shall take place in some special part of the Jail appointed for the purpose, and the officer present shall be careful to prevent any letter or article of any kind being passed to the prisoner by his friends. Both before and after the interview the prisoner shall be thoroughly searched, and if the prisoner is found to have received any article, he shall be liable to punishment.

378. All letters to or from prisoners shall be inspected by the Superintendent, who may forward or keep back the same at his discretion according to the nature of their contents. Paper and writing materials to such extent as may appear reasonable shall be furnished to any prisoner permitted to write; and all prisoners shall write at such time and place as the Superintendent may appoint.

379. If the Superintendent shall know any sufficient cause why any particular person should not be admitted, he shall refuse admission to such person, recording the circumstances in his Journal.

APPEALS BY PRISONERS.

380. Under the provisons of Section 316 of the Criminal Procedure Code, if an appellant is in Jail, he may present his petition of appeal and the copies accompanying it to the Superintendent who shall thereupon forward it to the proper Appellate Court. The Superintendent is bound to forward all appeals in accordance with this Section.

381. The Superintendent shall give prisoners all proper facilities for making appeals permitted by law. If a prisoner desires to appeal who has no agents who can make an appeal for him, he shall be provided with writing materials and allowed to write his own petition of appeal if he can; if he cannot write, a prisoner, Warder or other Jail officer shall write the petition of appeal at his dictation. He shall be given full opportunities of expressing himself and putting his case as far as possible in his own words.

382. Prisoners desiring to appeal may apply for copies of order or judgment through the Superintendent.

383. On receipt of an order disposing of an appeal, the purport thereof shall be communicated to the prisoner in the presence of the Superintendent.

PETITIONS FROM PRISONERS TO GOVERNMENT.

384. Every convict shall be permitted to make petitions for pardon or mitigation of sentence, and first petitions to Government must always be forwarded. No second petition shall, however, be permitted, unless the Superintendent considers that sufficient ground for the concession exists.

385. Petitions written in Jail shall be read over to and signed by the prisoner in the presence of the Superintendent or Jailor, and, if the prisoner so desires, may be written by an officer of the establishment. But a prisoner may adopt or supplement any petition, prepared for him by friends or counsel, provided that his signature is recorded in the presence of the Superintendent or Jailor. The petition written or signed by the prisoner shall be forwarded to the Dewan, except in

the case of petitions from convicts under sentence of death, and from those who ask for release on the ground of illness. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Courts free of cost except in summons-cases.

386. Every petition to Government from a convict shall be submitted separately or with a separate covering letter, except in the case of prisonors convicted at one and the same trial, in which case, the petitions of two or more convicts may be submitted together under a single covering letter. If more petitions than one are thus forwarded with one covering letter, they shall be accompanied by a list. Enclosures shall be attached to the petition by cord.

387. If the petition relates to the alleged had health of the prisonor making the petition, it shall be accompanied by an expression of the opinion of the Medical officer on the allegations relating to bad health.

388. A register shall be kept of all petitions submitted to Government. The result of all such petitions shall be duly entered therein and the purport of all orders received shall be communicated to the prisoners concerned in the presence of the Superintendent.

MEDICAL ADMINISTRATION AND HOSPITAL MANAGEMENT.

389. The general medical supervision of the Central Jail shall rest with the Durbar Physician who shall inspect all the premises in the Jail once a week.

390. A subordinate of the Medical Department shall be in Medical charge of the Central Jail and he designated the Medical officer of the Jail.

391. For all medical matters, he shall bo under the order of the Durbar Physician, but in all matters connected with the Jail discipline, &c., he shall be under the orders of the Jail Superintendent.

392. The Medical officer shall reside in the quarters provided by Government for the purpose.

393. He shall attend the Jail Hospital daily in the morning from 7 to 10 and in the evening from 5 to 6, and shall be present and inspect the gangs of prisoners every evening and enter in a journal any matter requiring to be specially noticed.

394. He shall enter in a register kept for the purpose the hours he arrives at and leaves the Central Jail daily.

395. He shall examine all prisoners on arrival in the Jail within 24 hours, enter their personal marks and state of health and whether they are fit for hard labour, in the journals kept for the purpose.

396. He shall see that all prisoners are vaccinated on admission to the Jail and that prisoners are re-vaccinated at intervals of 5 years.

397. He shall daily visit each prisoner in solitary confinement.

398. He shall enter in a case book all serious cases of illness in the Jail.

398A. The number of sick in hospital shall be daily Form, their treatment shall be recorded in the prescription-book

Hospital roll of sick diets and extras of the Central

Dates.	Sick in hospital.										Detained under observation		Hospital servants being convicted prisoners.					Grand total.		No. of deaths on preceding day.	Diets.					
	Convicts.				Civil and State		Insane.		Total.				Convict night watchmen.	Cooks.	Sweepers & scavengers.	Hospital & sick orderlies	Total.				Spoon.	Milk.	Low.	Full.	Rice.	Jail.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.						M.	F.							

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recorded in the hospital roll of sick, to be in the following and their dietary in the bed-side ticket.

Prison, Trivandrum, for the month of 10 .

Perishable articles.																						Initials.	
Bottles.	Arrack.	Arrow root.	Bandage cloth.	Brandy	Bread	Brooms.	Butter milk	Cocoanut-oil.	Eggs	Firewood.	Limes.	Milk	Mutton.	Plantain fruits.	Rice	Sago.	Salt.	Soap Europe	Soap-Country	Straw	Sugar	Sulphur	Medical officer.	Superintendent.
	lbs.	lbs.	Yds.	Qts.	lbs.	No	Oz.	lbs.	No.	lbs.	No	Pts.	lbs.	No				Cakes	lbs	lbs.	lbs	lbs.		

399. In cases of cholera or other infectious or contagious disease, he shall see that the affected convicts are separated from the rest; and the wards and cells white-washed and disinfected.

400. The following books are to be kept by the Medical officer :—

(1) Nominal register.
(2) Prescription-book.
(3) Case-book.
(4) Certificate book for admission.
(5) Certificate book for discharge.
(6) Stock book.
(7) Indent book.
(8) Return book.
(9) Letter book.
(10) Diet book.
(11) Visitors' book.
(12) Register of circulars.
(13) Contingent bill book.
(14) Register of monthly courses of convicts.
(15) Register of convalescent gang.
(16) Mortuary return.
(17) Diary.
(18) File-book.
(19) Convict-register.
(20) Certificate book for removing fetters.
(21) Attendance register.

401. All sick convicts are to be admitted into the hospital for treatment. Such convicts as may have slight ailments as colic, boil, &c, and may require a dose of medicine or a piece of plaster, may receive such and be sent back to their works. Such cases are not to be entered in the sick return and will appear only in the prescription-book.

402. On the outbreak of cholera, the special Rules laid down for the guidance of the Jail Medicial officer are to be adhered to.

403. When a prisoner dies, *post mortem* shall be made to ascertain the cause of death (except in the case of epidemic diseases).

404. There shall be a gang known as the convalescent gang in the Central Jail, and such prisoners as the Medical officer considers requiring to be placed in the gang, shall be selected and brought to the notice of the Durbar Physician. This gang will include old and infirm prisoners incapable of work, prisoners recovering from sickness who are temporarily unfit for work and all prisoners who, in the opinion of the Durbar Physician, are unfit for work or likely to be injured by work. Such prisoners shall be employed in light work as sweeping the roads and picking up leaves, &c., in the Jail premises.

404 A. Prisoners in the invalid and light work gangs may be given *Conjee* instead of rice cake during the midday rest. These prisoners should, as far as possible, be kept together for purposes of diet and observation and not mixed up with the general body of convicts.

404 B. The Medical officer may recommend any special diet or modification of diet such as variation of curries or reduction of the curry-powder ingredients, for any prisoner in the invalid or light work gang. Every prisoner not being a patient in hospital who receives special or modified diet on the Medical officer's recommendation shall be brought on the invalid gang register. But any modification of the diet of a prisoner out of hospital, which involves increased expenditure and is continued for more than a month shall be reported to the Dewan.

405. When it is necessary to remove the fetters on medical grounds from any prisoner, the Medical officer shall certify in writing to the fact and enter in a register the name, number, &c., of the prisoner and the reason why he considers the fetters should be removed.

406. He shall attend all execution of prisoners and sign a certificate that the convict is dead.

407. He shall attend on the staff of the Jail and enter such medicines as may be given them in a separate prescription-book.

408. He shall be responsible for the discipline of the Jail Hospital and shall report to the Jail Superintendent in writing any breach of discipline requiring, in his opinion, punishment.

409. No prisoner is to be admitted into hospital or given medicine unless accompanied by a Warder.

In sudden and emergent cases of illness, this Rule will not apply.

410. He shall attend all corporal punishments and examine and certify in writing as to the fitness or otherwise of any prisoner sentenced to corporal punishment. In the event of any prisoner so sentenced not being considered fit by him, he shall bring the matter to the notice of the Superintendent.

411. When any epidemic disease breaks out in the Jail, the following precautions should be observed during the prevalence of the disease :—

(1) Work shall be relaxed, but not entirely discontinued.

(2) The most scrupulous attention shall be paid to the state of the latrines.

(3) Disinfecting and deodorising agents shall be freely used, such as MacDougall's powder, charcoal, wood-ashes, coal-tar and earth, and every precaution connected with "dry earth conservancy" shall be most carefully and continuously enforced.

(4) The cell floors, if soiled, shall be washed and disinfected.

(5) A wood-fire shall be burned in each ward, the doors and windows being temporarily closed.

(6) Special attention shall be paid to the boiling and subsequent filtration of all drinking water.

(7) A portion of the Jail establishment shall be organised as a Guard for night-work; this Guard should go round

frequently to the cells, wards, &c., to ascertain if any prisoner has been taken ill.

(8) All over-crowding must be strictly avoided, not only in the hospital but in every cell or ward. It will be necessary to remove from the hospital all cases other than cholera and to locate them in cells or factory-shed, should there be no other accommodation.

(9) During the prevalence of cholera and Jail diarrhœa, slight cases of colic or ordinary diarrhœa must be treated separately. They shall not be admitted into hospital until the characteristic symptoms of cholera and Jail diarrhœa have appeared.

(10) The hospital floors shall be thickly sprinkled with powdered charcoal, wood-ashes and earth; the dejecta shall be immediately removed, and the wood-ashes and earth swept up and removed when any portion becomes soiled by the discharges.

(11) The alvine discharges, on being removed from the hospital, shall be collected outside in an iron pan, with a suitable cover, into which a quantity of MacDougall's disinfecting powder has been thrown; they shall, as frequently as possible, be carried off to the garden trench, which shall, on each occasion, be covered over with 6 inches of earth.

(12) The hospital latrines demand the most scrupulous attention to cleanliness.

(13) The utmost attention to personal cleanliness shall be enforced in the case of every prisoner; small bathing and washing gangs, to be frequently relieved, shall be organised for this purpose.

(14) The hospital clothing, or clothes and bedding used by patients shall invariably be burnt.

(15) It frequently happens that the hospital passage gets saturated with choleraic discharges. A layer of fine sand and ashes, a couple of inches thick, should be spread along the passage. This ought to be swept up and removed

as often as any portion gets soaked, and fresh sand or ashes strewed in its place. The trench for the reception of the hospital filth need not be far removed; all that is required is, that the excreta should be constantly covered with sifted earth.

(16) The water in which the prisoners have bathed or washed their clothes shall not be allowed to be thrown within the Jail walls.

(17) The wood-fires shall, under due precautionary measures, be kept burning to the windward, and within the Jail enclosure, night and day, on the occurrence of an epidemic, in cases where it may not be practicable to remove the prisoners either to another building or into tents.

(18) Attention shall be paid to the diet which should be modified in such manner as the Medical officer may consider desirable.

(19) If two or more cases of cholera occur in the same block within 24 hours, the whole of the convicts in the block are to be removed to the cholera camp and the block cleaned and fumigated and closed for a fortnight.

GENERAL SANITARY REGULATIONS.

Accommodation and ventilation.

412. Over the door of every ward there shall be an inscription specifying the number of cubic and superficial feet which it contains, and the maximum number of prisoners which it is capable of accommodating. No prisoners in excess of the maximum thus fixed shall be confined in the ward under any circumstances.

413. In caculating the maximum number of prisoners to be confined in any ward, every prisoner shall he allowed not less than 40 superficial and 600 cubic feet, or 36 superficial and 648 cubic feet of breathing space.

414. Before any cell is occupied for the first time, it shall be examined by the Superintendent, who shall certify that its size, lighting and ventilation are in accordance with

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the foregoing Rule. For the purposes of these Rules, a cell shall be taken to mean any building intended to accommodate a single prisoner only, while a ward shall be taken to mean any building for the accommodation of more than one prisoner.

415. The standard space which shall be allowed for every patient in the hospital is 54 superficial feet and 800 cubic feet.

416. The Superintendent shall be directly responsible that no prisoners in excess of the number admissible under the foregoing Rules are confined in any ward or cell, and the Medical officer, that there is no over-crowding of patients in hospital. The lock-up register shall show the maximum accommodation of every ward, so that the Superintendent may be able to judge at a glance whether any ward is overcrowded or not.

417. As soon as any number of prisoners in excess of the available maximum accommodation is received in the Jail or hospital, an immediate report shall be submitted to the Dewan, with a statement of the measures proposed to remove the over-crowding, and such temporary arrangements as the Superintendent thinks best shall be at once adopted for this purpose.

418. Prisoners received in excess of the accommodation shall not, except in case of emergency and as a purely temporary measure, be placed in the work-sheds or verandahs, but shall be located in huts or tents outside the Jail.

419. The Superintendent and Medical officer shall pay special attention to the ventilation of the sleeping wards. In all cases, care shall be taken that there is plenty of lateral as well as of roof ventilation. As the condition of the atmosphere breathed by prisoners can only be judged by visiting the sleeping wards several hours after the inmates have been locked up, the Superintendent and the Medical officer shall at all seasons and at uncertain intervals visit the Jail

at night to satisfy themselves that the ventilating arrangements are adequate and that the prisoners have not obstructed the means of ventilation with a view to warmth. The results of these visits shall be recorded in their respective journals.

420. The wards and cells shall be scraped and whitewashed once a year; and the hospital, twice, or oftener if necessary.

421. If the Medical officer considers that the usual means of cleansing are insufficient to remove the animal odour which sometimes persistently clings to a ward, he shall cause the ward to be fumigated with sulphur, in addition to the scraping of the walls and any other means in use.

Conservancy.

422. The Superintendent, Medical officer, Jailor, and all subordinates are responsible for any want of attention paid to conservancy. It is the duty of all Official Visitors to satisfy themselves that conservancy is properly carried out.

423. The Jail area shall be kept perfectly clean and free from all jungle and weeds. The whole Jail area shall be cleaned daily and accumulations of broken bricks, manufacturing refuse, &c., shall not be allowed. No cookroom refuse shall be permitted to be thrown on the ground, or rubbish of any kind to accumulate in or near the Jail.

424. Cess-pools of any kind or description whatever or under any circumstances, and drains of any description for sewage purposes, within the Jail or its precincts, are absolutely prohibited.

425. Within 200 yards from the Jail walls, heaps of rubbish or filth of any kind shall not be allowed, and earth shall not be dug for bricks. All low, hollow ground, and especially stagnant pools shall be filled up. The drainage of the ground round about the Jail, shall be carefully attended to, and where necessary, drainage cuts shall be made, with a view to prevent accumulation of water.

426. The Medical officer is specially required to bring to notice any defects in the drainage within or about the Jail, and his not doing so will be considered proof of his being satisfied with it.

427. Anything that can in any way affect the health of the Jail, occurring in its neighbourhood, shall be at once reported to the Superintendent.

428. The dry-earth conservancy system shall, as far as practicable, be adopted in the Jail in place of any other.

429. Covered latrines adapted to the dry-earth system, with mud partitions dividing the seats, shall, as far as possible, be provided in each separate enclosure. The floor shall be rammed earth, over which three or four inches of loose soil shall be spread so as to absorb any accidental pollution. This loose soil shall be frequently renewed.

430. The seats shall consist of blocks of stone or of brick, and no lime or chunam shall be used.

431. Each partition shall be provided with two separate receptacles, for urine and fæcal matter, respectively. The vessels for urine shall be half-filled with water, plenty of dry earth and scoops shall be provided, and every prisoner shall be required to throw a sufficient quantity of dry earth into the fæcal receptacle to cover the excreta.

432. No water, except that in the vessels for urine, shall be allowed inside a larine, but water for personal ablution, and a place for washing shall be provided outside.

433. Provision must be made for the permanent supply of dry sifted earth in every latrine. If it be impossible to provide for this, from day to day, in sufficient quantity during the rains, a store must be kept in a building covered in and protected from the rain. The earth to be used must be perfectly dry and finely powdered. It should usually be obtained from the Jail garden. The more sandy the soil, the less efficacious it is for conservancy purposes.

434. Where latrines are not provided with movable receptacles for urine and excreta, and are on the trench pattern,

they should be frequently and thoroughly tarred. The receptacles should be similarly tarred.

435. The latrines shall be thoroughly cleaned out morning and evening, and also, if necessary, in the middle of the day. Sweepings of the Jail, litter and cook-house refuse should not be thrown into the garden trenches, but into pits dug in any unused corner of the Jail premises.

436. If a case of cholera or violent diarrhœa and vomiting occurs in a sleeping ward during the night, the earth on which the patient may have vomited shall be carefully removed and replaced by fresh earth, and the contents of the vessels in which he may have voided his stools or vomited shall be treated with carbolic acid, or dry sulphate of iron, so as to destroy all organic matter, and be then carried out to a distance from the Jail, and buried in a locality whence there is no possibility of sub-soil filtration into neighbouring wells or tanks.

437. Every sleeping ward and cell shall be provided with separate receptacles for urine and fæcal matter, the former being half-filled with water. A basket of dry earth with a wooden scoop shall also be provided, and every prisoner shall throw over his excreta a quantity of dry earth sufficient to cover the same.

438. These receptacles shall be placed, if possible, in a recess built in the ward, or shall be screened off from general view. The recess or other place occupied by them shall be thickly coated with tar and the floor sprinkled with two or three inches of dry earth.

439. A receptacle, one-fourth filled with water, shall be placed near each work-shed or other place of labour.

440. The purity of the water supplied to the prisoners for drinking and culinary purposes is a matter of the first importance, and both the Superintendent and the Medical officer shall, therefore, pay constant attention to it. At least once a year, a sample of the drinking water shall be submitted to the Chemical Examiner for analysis.

441. Wells should be exposed as much as possible to the action of the sun and to the entrance of fresh air, provided that they must be sufficiently covered by gratings or netting to prevent risk of suicide. Wooden or other complete coverings over wells are also objectionable as giving shelter to bats and other animals.

442. Every well shall be cleaned out once a year.

443. Care shall at all times be taken that no Jail well is placed where sewage can percolate into it, and that water spilt round the mouth of the well does not find its way back into the well through chinks or fissures in the sides of the masonry shaft. With this object, wells should be surrounded with a sloping asphalt or paved stone platform and cement drains to carry off spilt water. Stagnation will also be prevented by the daily withdrawal of a large quantity of water, thus allowing a fresh supply to enter from the springs.

444. The water used for drinking purposes shall be filtered or not, according as the Dewan on the advice of the Medical and Sanitary authorities shall direct.

445. The cleanly distribution of water is quite as important as the purity of the source from which it is drawn or its thorough filtration. Care shall be taken that buckets used for drawing water for drinking and culinary purposes shall be used for no other purposes, and that vessels for holding water shall be replaced on becoming old or impure. Water-barrels shall be frequently cleaned out, and the water from them shall be drawn off by means of a tap and shall not be ladled out at the top. The top of the barrel should be fastened down after it is filled.

446. Every ward and cell shall be provided with drinking water, for consumption by prisoners during the night. Water kept in open vessels in an inhabited ward or cell absorbs foul air and soon becomes unwholesome. It is therefore necessary not only that there shall be thorough ventilation in order to prevent the drinking water from becoming contaminated, but also that fresh water shall be supplied as late at night and as early in the morning as practicable.

CIVIL PRISONERS.

447. The Civil prisoners shall be kept apart from the Criminal prisoners.

448. No Civil prisoner shall be required to labour.

449. Civil prisoners are liable to Jail punishment except whipping.

450. Civil prisoners shall be allowed to wear their own clothing and provide their own bedding, provided that they shall at all times during the day be required to be properly and decently dressed and that personal cleanliness shall be insisted upon. Proper provision shall be made to enable Civil prisoners to bathe at such hours as the Superintendent may fix.

451. If unable to provide themselves with clothing or bedding, Civil prisoners shall be given suitable clothing or bedding from the Jail stores.

452. Civil debtors shall be allowed to be supplied with food by friends or others outside the Jail: Provided that all such supplies shall be made through the Jailor, that food cooked outside the Jail shall only be allowed to be received in such cases as the Superintendent, having regard to the former habits or social position of the Civil debtor, may specially authorise, and that all such supplies shall be subject to such restraints for the prevention of luxury as may be prescribed by the Superintendent, who may prohibit the introduction of any article which he considers excessive or unduly luxurious.

453. Articles of food supplied for Civil debtors under the last preceding Rule shall be received only at such hours as the Superintendent may from time to time prescribe. All articles of food thus supplied shall be inspected by the Jail officials, and no box, package, or parcel shall be taken into the Jail until it has been first opened and examined by the Jailor.

454. In cases in which Civil debtors do not supply their own food, the Jailor shall supply them with such good and

wholesome food as they may desire, provided that the daily cost shall not exceed the subsistence allowance deposited by the detaining creditor.

455. Civil debtors shall in all cases be permitted to cook their own food at such place as the Superintendent may direct, and to use their own cooking, eating and drinking vessels.

456. Civil prisoners, who are not Civil debtors, shall receive food in accordance with the scale laid down for Criminal prisoners undergoing imprisonment for similar terms. Their meals shall be cooked at one or more of the convict kitchens selected with reference to their castes and shall be supplied to them thence, and they shall not be allowed to cook for themselves.

457. Civil debtors shall be allowed to smoke or otherwise use tobacco, but shall not be allowed to receive or use any spirituous liquor or intoxicating drug, unless prescribed by the Medical officer on medical grounds.

458. All charitable donations or casual benefactions and all bequests of money or other articles for the benefit of poor debtors shall be distributed by the Superintendent at his discretion: Provided that the specific conditions or directions imposed by the donors shall be observed, if not contrary to Jail rule, and that articles liable to damage by keeping shall be distributed as soon as possible after receipt.

459. No Civil prisoner shall sell or transfer any article whatsoever which has been allowed to be introduced for his own use to any other prisoner or Jail official, and any Civil prisoner, without due permission introducing prohibited articles or conveying them to any prisoner or communicating with any prisoner, is liable to prosecution, and the privilege shall be withdrawn.

460. Civil prisoners shall be provided with extra articles of rations ordered by the Medical officer on medical grounds, and the cost of such articles shall be a Jail charge.

461. Civil prisoners shall be permitted to see their friends between 7 A. M. and 5 P. M., on any day other than recognised holidays. No interview shall be permitted except on a written order from the Superintendent.

462. Civil prisoners shall be allowed to write and to receive letters. The Superintendent may open and examine any letter, and may withhold any which appear to him to be objectionable. If any prisoner is found to be abusing the privilege of writing or receiving letters, it may be withdrawn by the Superintendent for reasons to be recorded in writing.

463. Any Civil prisoner may be permitted, if he chooses to do so of his own free will, to work at his trade or calling, provided such employment does not interfere with the discipline of the Jail. Such Civil prisoners as find their own implements and are not maintained at the expense of the Jail, shall be allowed to receive the whole of their earnings; but the earnings of such Civil prisoners as are furnished with implements or are maintained at the expense of the Jail shall be subject to a deduction sufficient to cover the wear and tear of the implements and the cost of maintenance.

464. A Civil debtor may be released by Government on the ground that he is suffering from any infectious or contagious disease. Accordingly, if on admission, or at any later period, any Civil debtor is found to be suffering from leprosy, small-pox or the like, an immediate report shall be made by the Superintendent to the Dewan in view to orders being passed for his release.

465. A Civil debtor may be released by the committing Court or any Court to which that Court is subordinate on the ground of his suffering from any serious illness. Accordingly, when a Civil debtor is certified by the Medical officer to be seriously ill and to have a fair chance of recovery if released, the Superintendent shall submit the Medical officer's certificate, together with the nominal roll of the prisoner, to the committing Court for orders.

466. No Civil debtor shall be received into the Jail unless the preliminary payment of the monthly subsistence

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allowance, according to the rates mentioned in the Court's warrant of committal, has been made, and no Civil debtor shall be detained when the time limited for any subsequent payment lapses without its being duly made.

467. Under Section 331 of the Code of Civil Procedure, a Civil debtor shall be immediately discharged from Jail on the amount mentioned in the warrant of committal being paid to the Superintendent, on the detaining creditor omitting to pay the monthly subsistence allowance in accordance with the last preceding Rule, on the term of imprisonment as limited by Section 332 of the Code being fulfilled, or on an order of the Court. In cases, however, in which the judgment-debt is paid to the Superintendent after lock-up on Saturday or Sunday, the Civil debtor shall not be discharged until the following Monday morning.

468. If any monthly payment of the subsistence allowance is not received by the Superintendent in advance before the 1st day of each month, and if it is afterwards tendered, it shall be refused. Every payment must be made during ordinary business hours, and money tendered after 5 P. M. should not be received on that day.

469. In case of non-payment of the monthly subsistence allowance in the prescribed manner, the Civil debtor shall be produced before the Superintendent on the 1st morning of the month for which the monthly subsistence allowance has not been duly paid. The Superintendent shall satisfy himself from an examination of the entries in the Civil prisoners' register and by questioning the Jailor that the monthly subsistence allowance has not been duly paid, and shall then release the Civil debtor.

470. On the discharge of a Civil debtor, the amount paid to the Superintendent under Clause (*a*), Section 331 of the Code of Civil Procedure, together with any balance of subsistence allowance, shall be forwarded by the superintendent to the committing Court.

471. A Civil prisoner shall be permitted, at the discretion of the Superintendent, to maintain himself, and to purchase,

or receive from private sources, at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such Rules as may be approved by the Dewan.

UNER-TRIAL PRISONERS.

472. Prisoners not convicted of offences shall be kept apart from convicted prisoners.

473. No under-trial prisoner shall be required to labour. With this exception, all other Rules relating to prisoners apply to under-trial prisoners except in so far as they are inconsistent with the Rules in this Chapter; the Superintendent and other Jail officers possess the same powers and duties in respect of this class as in respect of other classes of prisoners.

474. Separate accommodation for female under-trial prisoners must be provided.

475. Juvenile under-trial prisoners shall be separated from adults of the same class, and, as far as possible, separate accommodation shall be provided for each juvenile inmate of the under-trial ward.

476. Under-trial prisoners shall be allowed to wear their own clothing and provide their own bedding. If unable to provide themselves with clothing or bedding, under-trial prisoners shall be given suitable clothing or bedding from the Jail stores.

477. Under-trial prisoners who are in Jail in default of bail shall be permitted to see any of their friends on any week day at any reasonable hour for the *bona fide* purposes of providing bail.

478. Under-trial prisoners shall have all reasonable facilities for communicating with their legal advisers; the time and place to be regulated by the Superintendent so as to interfere, as little as possible, with the discipline and general routine of the Jail.

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479. Paper and writing materials to any reasonable extent shall be furnished to any under-trial prisoner who requires to be so supplied for the purpose of communicating with friends or preparing a defence.

480. The duty of escorting under-trial prisoners to and from the Courts rests on the Police. When such prisoners are made over to the Police, the senior Police officer shall give a receipt for them in the Form prescribed.

481. On receipt of a warrant of a Court directing the release of an under-trial prisoner on the ground that he has given good and sufficient bail, he shall be at once released and any property which has been taken possession of shall be made over to him.

SIMPLE IMPRISONMENT PRISONERS.

482. Simple imprisonment prisoners shall not be required to labour, and none of the Rules relating to the Remission system, grading of convicts and convict officers, and convict labour and Jail industries apply *prima facie* to them. They may, however, be permitted to labour, if they desire to do so, and shall in that case be given the benefits of the Remission system if eligible by length of sentence, and shall be allowed labouring diet.

483. They shall clean their own wards and wash their own clothes and shall keep their clothing and bedding neatly arranged and folded according to order. They may be compelled to cook their own food, and may be required in turn to cook that of other prisoners of the same class in the Jail, provided they belong to a class of society the members of which would in their own houses perform such duties.

484. They cannot be compelled to perform menial duties for others, nor can they be compelled to perform any duties of a degrading character.

485. They shall remain during the day in a part of the Jail assigned to them; they shall not lounge nor loiter about the Jail, nor be allowed to enter the labour yards or worksheds.

486. Non-labouring prisoners may be compelled to take walking exercise for not more than an hour in the morning and an hour in the evening if the Superintendent and the Medical officer consider it advisable.

487. Simple imprisonment prisoners shall obey such regulations as regards washing, bathing, hair-cutting and shaving as may from time to time be established with a view to the proper maintenance of health and cleanliness. Subject to this provision, they shall be permitted to retain their hair as worn on admission, and the entire shaving of the head shall not be enforced, nor shall the hair be cut closer than is necessary for the purposes of health and cleanliness, and they shall be allowed to wear their own clothing unless insufficiently provided, in which case, the Superintendent shall issue Jail clothing.

488 In all other respects, the general provisions of these Rules apply to prisoners of this class, but they should, so far as possible, be kept in distinct wards from other convicted prisoners.

488A. The child (or children) of a female prisoner shall be admitted into the Jail with the mother, if it cannot be placed with relations or otherwise conveniently provided for, provided that its age does not exceed two years and that it is still at the breast. Children born in the Jail may likewise be allowed to remain with their mothers subject to the same conditions, viz., so long as they are under two years of age, are still at the breast and cannot be otherwise provided for. The Medical officer shall determine the age of children, unless they were born in the Jail.

488B. No child shall be admitted into or retained in the Jail with its mother, if it has attained the age of two years or if it has ceased to take the breast. On a child which is already in the Jail thus becoming disqualified for further retention, notice shall be given to the District Magistrate requestiug him to make arrangements to place the child with its relatives, if possible, during the incarceration of the mother. Should the relatives be utterly destitute and

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unable to support it, or should the Magistrate be unable to discover any relative willing to take charge of it, he shall report the case for the special orders of Government.

488 C. Children in the Jail with their mothers shall be allowed such diet as the Medical officer may order for them and shall be provided with suitable clothing.

PRISONERS SENTENCED TO SOLITARY CONFINEMENT.

489. Prisoners sentenced to solitary confinement under the provisions of Sections 73 and 74 of the Penal Code shall undergo the periods of solitary confinement admissible under those Sections in a separate cell, as far as possible excluded from sight or hearing of what is going on outside.

490. Prisoners sentenced to solitary confinement should be placed in the cells for the periods laid down in Section 74 of the Penal Code, and such periods should not be broken except under the recommendation of the Medical officer.

491. If, during any such period, it becomes necessary to remove from a cell any prisoner sentenced to solitary confinement on the ground of injury to his mind or health, a report shall be made to the Dewan.

492. In executing sentences of solitary confinement, the Superintendent shall pay special attention to the provisions of Section 74 of the Penal Code.

493. If a prisoner is sentenced to imprisonment for a year and a day, of which three months shall be undergone in solitary confinement, the sentence, though legal under Section 73, cannot be executed under Section 74, because, not more than 84 days of solitary confinement can be inflicted in any one year. Similarly, if a prisoner is sentenced to 4 months' imprisonment, of which one is to be solitary, or to 7 months' imprisonment, of which two are to be solitary. The execution of a sentence of solitary confinement need not be postponed until the expiry of appeal time.

494. When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone

awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first term of imprisonment. Similarly, if the term of solitary confinement under one warrant is too long to be completely executed during the term of imprisonment awarded by that warrant, the balance shall not be carried out during any subsequent term of imprisonment undergone under a second warrant.

495. No prisoner, who has been punished with separate confinement, shall undergo any period of solitary confinement until after an interval of not less than 14 days, and no prisoner who has undergone any period of solitary confinement shall be punished with separate confinement until after the expiry of a similar interval.

496. No prisoner shall be placed in solitary confinement until he has been examined by the Medical officer and certified to be fit to undergo the confinement.

497. Every prisoner before being placed in solitary confinement shall be thoroughly searched, and any article which it is considered dangerous or inexpedient for him to retain shall be removed. Both the cell and the person of the prisoner shall be carefully searched daily during his continuance in solitary confinement.

498. Outside the cell-door, a ticket shall be placed showing the number and name of the prisoner, the date on which he was placed in solitary confinement, the number of days to be so confined, and the date on which he was last in cells.

499. Every prisoner in solitary confinement shall be visited daily by the Superintendent and the Medical officer, who shall insert a record of every such visit in their respective journals.

500. Prisoners in solitary confinement shall be provided with suitable work and a regulated task shall be exacted from them.

501. They shall be permitted to take such exercise in the open air as the Medical officer shall consider to be necessary for their health.

502. The bedding of prisoners in solitary confinement shall be taken out of the cells during the day and exposed to the sun and air for as long a period as the whether permits.

503. The occupant of each cell shall be required to keep it scrupulously clean.

504. An officer of the Warder establishment shall always be detached to watch the cell in which any prisoner is under going solitary confinement, to superintend the labour of the prisoners and to keep order, and every prisoner in solitary confinement shall be inspected whenever the officer on guard is changed. In case of sickness, immediate notice shall be given by the Warder on duty, and the Medical subordinate on duty shall visit the cell without delay and examine the prisoner. If necessary, the Jailor may cause the man to be removed to the hospital, reporting the action to the Superintendent in his report for the day.

505. On each occasion on which a prisoner undergoes solitary confinement, the Superintendent shall note on the back of the warrant and in the convict-register the date on which the prisoner was placed in the cell, the date on which he was removed and the number of days passed in such confinement.

PRISONERS SENTENCED TO WHIPPING.

506. Under Section 292 of the Criminal Procedure Code, whipping shall be inflicted only on the posteriors in the case of adults and juveniles.

507. Sentences of whipping which are passed upon any prisoner received in Jail shall be carried out by one of the Warder establishment.

508. Sentences of whipping shall not be inflicted on recognised holidays, and if the execution of such sentences would otherwise fall on these days, it shall be put off until early the next day.

PRISONERS SENTENCED TO DEATH.

509. As soon as sentence of death is passed on any prisoner and he is received back in the Jail from the Court, the Jailor shall cause him to be thoroughly and carefully searched; if he has hitherto worn his own clothing, every article of such clothing shall be taken away from him, as well as all other articles of every description, whether money, jewellery, or otherwise, and he shall be supplied with a suit of convict clothing.

510. He shall then be removed from the under-trial yard to one of the condemned cells.

511. The Superintendent shall inspect the cell before the prisoner is placed in it, and shall satisfy himself of its fitness and security. No prisoner under sentence of death shall be placed in a cell having only a wooden door, and if there is an external wooden door in addition to the grated door, it shall be kept open; he shall not be fettered or hand-cuffed unless the Superintendent has reason to apprehend that danger to the Guard or to the prisoner may result from the prisoner's violence, in which case, fetters or hand-cuffs or both may be imposed.

512. As soon as the condemned prisoner is placed in the condemned cell, a special Guard shall be deputed to watch the prisoner by day and night until the execution of the sentence.

513. The special Guard shall allow no one to go near the cell or communicate with the prisoner except the Superintendent, the Medical officer, the Jailor or a Visitor of the Jail, the convict servant who brings the prisoner's food, the convict scavenger, and such other persons as may be specially authorised in writing by the Superintendent.

514. It shall be the duty of the special Guard to keep the prisoner in sight by night and day. To enable him to do this by night, a lantern shall be so placed as to throw a good light into the cell. The door shall be closed and fastened in the usual way. The keys of the hand-cuffs, if any are imposed, shall be kept by the Jailor. The key

of the cell-door shall be kept by the Head Warder on duty, so that he may be able at once to enter the cell in case of a sudden attempt at suicide on the part of the prisoner. Under no circumstances should a condemned cell have a lock, the key of which will open any other lock in the Jail.

515. The Guard officer shall visit frequently during day and night, at uncertain hours, the sentries posted over the condemned cells. The Head Warder shall at once report to the Jailor, for communication to the Superintendent, any irregularity or any suspicious conduct on the part of the prisoners.

516. When two or more condemned prisoners are confined in cells *apart*, *i. e.*, at some distance from one another, a separate Guard shall be placed over each cell; but where the cells are adjoining, it will be sufficient to post one sentry over two cells, who will be responsible for the two condemned prisoners under his charge. For any number of cells in excess of two, an extra Guard shall be given, even where the cells are contiguous.

517. Every morning and evening, the Jailor shall carefully search the prisoner with his own hands, examine his cell, his hand-cuffs and irons, if any are imposed, and satisfy himself that they are sound and secure, and that the prisoner has no concealed weapon or any article which is considered dangerous in his possession. The result of his examination shall be entered in his Report-book.

518. Prisoners under sentence of death shall be allowed non-labouring diet according to the scale prescribed for native convicts, but no sweet-meats or extra diet of any kind shall be given except on the recommendation of the Medical officer, who shall record his reason for the same.

519. The condemned prisoner's food shall always be given him in the presence of the Jailor who shall previously thoroughly examine it.

520. Every prisoner under sentence of death shall be allowed such exercise in open air every day under strict and careful watch as the Medical officer may consider necessary.

521. Every prisoner condemned to death may be visited at his own request by his relatives, friends and legal advisers, and by a minister of the persuasion to which he belongs, on an order in writing from the Superintendent.

522. Every petition to Government from a prisoner under sentence of death shall be submitted by the Superintendent to the Dewan.

522 A. All executions should take place within the Jail premises unless expressly otherwise ordered in the warrant. They shall usually be carried out in a special enclosure attached to, but not within, the walls of the Jail. If the District Magistrate considers it of importance that the execution of a criminal shall be carried out on the scene of the crime, the execution shall be deferred until the Magistrate has obtained from the Government the requisite authority for the delivery of the criminal.

522 B. When the execution takes place within the Jail premises, an enclosure should be made large enough to accommodate a certain number of spectators. To this enclosure, respectable persons, being adult males, should be admitted by ticket, applications for tickets being made in writing to the Superintendent. The prisoners in the Jail should not be made to attend an execution.

522 C. The gallows shall be erected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. In testing the rope, a weight twenty five per cent. in excess of the body weight of the condemned prisoner shall be used. A new rope need not necessarily be used for every execution.

522 D. The following scale of drop proportioned to the weight of the prisoner, shall be followed :—

for a prisoner weighing under 98 lbs.....6½ feet;

for a prisoner weighing under 126 lbs.....6 feet;

for a prisoner weighing under 154 lbs.....5½ feet;

for a prisoner weighing 154 lbs and over.....5 feet.

522 E. Every execution shall take place in the early morning as soon after bay-break as possible. Both the Superintendent and the Medical officer shall be present; the execution shall also be attended by a Magistrate.

522 F. The condemned prisoner's wrists shall be handcuffed behind his back before he leaves his cell, and he shall be marched from his cell to the scaffold under a Guard of not less than four Warders under the command of a responsible officer.

522 G. A Guard of Warders not less than ten strong shall be mustered in front of the gallows to preserve order. If necessary, the Superintendent ofPolice may be asked to furnish a Guard.

522 H. When the condemned criminal reaches the scaffold, the Superintendent shall read over the warrant aloud in English, and it shall be translated into the Vernacular by the Jailor or other Jail officer. The Superintendent and Jailor shall then identify the prisoner by a reference to the Jail registers as the individual named in the warrant.

522 I. The criminal's arms shall then be pinioned behind his back and his ankles shall be strapped together.

522 J. The body shall hang for an hour, and shall then be examined by the Medical officer. It shall not be taken down till the Medical officer declares life to be extinct.

522 K. Bodies of criminals shall not be exposed on gibbet after execution, but shall be made over to the friends of the deceased, if claimed by them, unless there are special reasons to the contrary in any particular case.

523. When the sentence has been fully executed, the Superintendent shall return the warrant to the Court from which it issued with an endorsement under his signature certifying the manner in which the sentence has been executed in the following Form:—

I hereby certify that the sentence of death passed on (*full name of prisoner*) and approved as prescribed by law has been duly executed: and that the said (*full name of prisoner*)

was accordingly hanged by the neck until he was dead at (*place*) on (*day of week*) (*the date and month*) 10.. at (*hour*) A. M.

I further certify that the body of the said (*full name of prisoner*) remained hanging one hour, and the Medical officer in attendance certified complete extinction of life prior to its removal, and that no accident, error, or other misadventure occurred during the execution.

Place. Signature.
(Date & month) 10... . Official designation.

LEPER AND LUNATIC PRISONERS.

523 A. Under Section 418 of the Criminal Procedure Code, Government have declared portions of the Leper and Lunatic Asylums as Criminal Leper and Lunatic wards and as places of confinement for leper and lunatic convicts.

523 B. Under Clause 26 of Section 59 of the Prisons Regulation, 1 of 1071, Government have been pleased to extend to the Criminal Leper and Lunatic wards, to the officers employed and to the prisoners confined therein, the following provisions of the said Regulation, namely:—Sections 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 24, 25, 27, 36 (Clauses 1 and 3) 37, 43, 44, 45, 46, 47, (excepting Clause 13), 48 (excepting Clause 4), 50, 51, 52, 53, 55, 56, 57 and 61.

523 C. Upon any convict suffering from leprosy being admitted into the Central Prison at Trivandrum, a nominal roll regarding him shall be submitted to Our Dewan, together with a brief medical case, which shall state among other things, whether the disease is in an advanced state or not, and whether the Medical officer recommends removal to the Criminal Leper ward, Oolampara. The medical case should be in the Form subjoined.

Form.

Medical case of convict No. suffering from leprosy in the Central Prison at Trivandrum.

Type of disease.
Duration of disease.
Family history.
Symptoms affecting:—
face;
neck;
trunk;
upper extremities;
lower extremities;
circulation;
digestion;
respiration and voice;
nervous system;
urinary excretion.
Complicating eruptions.
General remarks.
Whether disease is in an advanced form or not.
Whether removal to the Criminal Leper ward is recommended or not.
Treatment followed in Jail.

Medical officer.

523 D. If the disease is in an advanced stage, or, if for other reasons, it seems advisable, the Dewan shall order the transfer of the convict from the Central Prison to the Criminal Leper ward, provided that no such transfer shall be made unless accommodation is available in the ward.

523 E. The Criminal Leper ward and the Criminal Lunatic ward having been constituted places of confinement under Section 418 of the Criminal Procedure Code, the Medical officers in charge of the Leper Asylum and of the Lunatic Asylum shall be ex-officio Superintendents of the wards, and all Rules passed under the Prisons Regulation, so far as possible, shall apply thereto.

523 F. When a leper convict is transferred to the Criminal Leper ward, the following documents shall be sent with the convict transferred:

1. The prisoner's original warrant or warrants duly endorsed.

2. The copy of the convicting Court's judgment (if available), the order of any Appellate Court and any order of Government on any petition made by the prisoner.

3. The prisoner's history-ticket.

4. The prisoner's Remission-sheet, (if he is under the mark system).

5. A list of all private property belonging to the prisoner.

6. A list of clothing, bedding, and other Government property sent with the prisoner.

7. The prisoner's medical history.

523 G. When a leper convict received into the Central Prison is not transferred to the Criminal Leper ward, or until he is so transferred, he shall be segregated from all other convicts, a cell, ward or temporary shed being set apart for this purpose.

LUNATICS.

524. If any prisoner becomes insane after his conviction and admission into the Prison, a report regarding his case accompanied by a certificate from the Medical officer shall be submitted by the Superintendent to the Dewan. The prisoner shall in the meanwhile be detained in a separate cell pending his transfer to the Lunatic Asylum.

525. On receipt of the order to remove the lunatic to the Asylum, the Superintendent shall send him to the Asylum with a copy of the convict-register specifying the term of imprisonment, the period undergone and the period that remains to be served, with the medical certificate and statement.

526. When a prisoner is sent to the Lunatic Asylum, all property in the Jail belonging to him shall be sent with him and receipt for the same obtained.

SENDING UP PRISONERS.

526 A. Any Criminal Court may, if it thinks that the evidence of any person confined in the Central Prison (at

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Trivandrum) is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the Form subjoined, directed to the Jailor: Provided that, if such a Criminal Court is inferior to the Court of a Magistrate of the First Class, the order shall be submitted to and countersigned by the District Magistrate, to whose Court such Criminal Court is subordinate.

FORM OF ORDER.

To.

The Jailor of the Central Prison, Trivandrum.

You are hereby required to hand over.....,now a prisoner in.....,to the Police officer producing this for safe and sure conduct (1) before the Court of.....at.....on the...day of...next by ..of the clock in the forenoon of the same day, there to give evidence in a matter now pending before the said Court, and after the said .....has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the Prison, or (2) before the Court of.....(or before.....) on the.....day of.....next by.....of the clock in the forenoon of the same day, to answer a charge now pending before the said Court or officer, and after such charge has been disposed of, or the said Court or officer has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the Prison (as the case may be).

The.....day of .....

A. B.

Countersigned.

C. D.

526 B. Upon delivery of such an order, the Jailor shall hand the prisoner over to the Police, who shall cause him to be taken to the Court in which his attendance is required, or to the officer investigating the offence of which he is charged, so as to be present at the time specified in such order, and shall cause him to be detained in custody, until he has been examined or until the Court or the officer authorises him to be taken back to the Prison.

526 C. Any Civil Court may, if it thinks that the ...ce of any person confined in the Central Prison is ...l in any matter pending before it, make an order in ...m set forth at foot, directed to the Jailor, who shall, on receipt of the order, arrange for the production of the prisoner before the Court, as provided in Rule 526 B.

To.

The Jailor of the Central Prison.

You are hereby required to produce.....now a prisoner in the Central Prison, under safe and sure conduct, before the Court of.....at.....on the.....day of.....next by.....of the clock in the forenoon of the same day, there to give evidence in a matter now pending before the said Court, and after the said.....has then and there given his evidence before the said Court, or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the Prison.

The.....day of.....

(Signed)

REGISTERS AND RETURNS.

527. For purposes of account there shall be two departments in the Jail—the General department and the Manufacturing department.

528. The following shall be the registers and books maintained in the General department, viz.,

I. Report and order-books.

1. Official Visitors' book.
2. Superintendent's journal.
3. Medical officer's journal.
4. Jailor's Report-book.
5. Jail order-book.

II. General registers and books.

6. General convict-register.
7. Register of under-trial prisoners.

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8. Register of Civil prisoners.
9. Release register.
10. Release diary and batta book.
11. General abstract.
12. Lock-up register.
13. Labour register.
14. Industry roll.
15. Remission-sheet.
16. Punishment-book.
17. Fetter register.
18. Weighment register.
19. Clothing registers, new and part-worn.
20. Register of appeals.
21. Register of petitions to Government.
22. Register of letters received.
23. Register of letters despatched.
24. Jail officers' appointment and history book.
25. Jail officers' misconduct book.
26. Warders' clothing register.
27. Main-gate register.

III. Financial register and book.

28. Cash-book.
29. Register of contingent charges.

IV. Ration registers.

30. Bill-book of rations.
31. Diet roll.

529. The following shall be the registers and books maintained in the Manufacturing department, viz.,

1 A. Stock-book of raw materials.
2 B. Stock-book of manufactured articles.
3 C. Day-book of sales.
4 D. Individual register of credit purchases.
5 E. Individual register of credit sales.
6 F. Cash-book.

RULES REGARDING THE PRESERVATION AND DESTRUCTION OF RECORDS.

1. All Jail registers, returns and records of every description shall, for purposes of preservation or destruction, be classified under four heads:—

A. those to be preserved permanently;

B. those to be kept for 12 years;

C. those to be kept for 5 years;

D. those to be kept for 2 years.

In the case of registers and other books, the period prescribed for their retention shall be held to run from the date of the last entry therein.

2. Each of the four classes of records shall be so arranged as to make it easy at the proper date to select those which have to be destroyed, and if possible, each class shall be kept separate from the other.

Financial and other Circulars of Government and the Government Gazette shall be bound annually or half-yearly as required.

3. The Superintendent shall exercise his discretion as to the classification of letters and correspondence except in regard to documents bearing on the following subjects, which shall be permanently preserved, viz., Standing Orders, important public works and manufactures, the acquisition and renting of land, pensions and any permanent charge upon Government, and escapes when the prisoner is not re-captured. The bundles to be permanently preserved should be marked with a coloured slip of paper and placed in the receptacle for permanent records.

4. The following are the records in class A, which shall be permanently preserved :—

(1) Jail order-book.
(2) Convict-registers.
(3) Release-diary and batta-book.
(4) Remission-sheets.

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(5) Jail officers' appointment and history book.
(6) Register of letters received, Jail and Manufactory.
(7) Register of letters despatched, Jail and Manufactory.
(8) Stock-book of civil stores.

Financial.

(1) Cash-book.
(2) Acquittance roll.

Medical.

(1) Case-book.
(2) Historical register.
(3) Letter-book.

Manufacturing department.

(1) Day-book of sales.
(2) Cash-book.

General.

(1) The Reports on the Administration of Travancore. Office copies of pay-bills.
(2) Travancore Government Gazette.

5. The following are the records in class B, which shall be preserved for twelve years and then destroyed : —

(1) Jail Administration Reports and Jail returns.
(2) Superintendent's journal.
(3) Medical officer's journal.
(4) Jailor's Report-book.
(5) Chief Warder's Report-book.
(6) Register of under-trial prisoners.
(7) Register of Civil prisoners.
(8) Release-register.
(9) Punishment-book.
(10) Jail officers' misconduct book.
(11) Official and non-official Visitors' book.

Rations.

(1) Stock-book of rations.
(2) Bill-book of rations.
(3) Diet roll.

(4) Daily purchase-book, if any.

Medical.

(1) Hospital register.
(2) Invalid gang register.
(3) Register of vaccinations.
(4) Hospital roll.
(5) Prescription-book.

Manufacturing department.

(1) Stock-book of raw materials.
(2) Stock-book of manufactured articles.
(3) Individual register of credit sales.

6. The following are the records in class C, which shall be preserved for five years and then destroyed :—

(1) General abstract.
(2) Lock-up register.
(3) Labour register.
4. Fetter register.
(5) Weighment register.
(6) Clothing registers.
(7) Register of appeals.
(8) Register of petitions to Government.
(9) Warders' clothing register.
(10) Ammunition register.
(11) Main-gate register.
(12) Office copies of all monthly, quarterly, half-yearly and annual returns and statements.

7. The following are the records in class D, which shall be preserved for two years and then destroyed :—

(1) Industry roll.
(2) Counterfoils of receipts granted to the Police on the admission of prisoners into Jail.
(3) Medical officer's certificate of fitness to undergo solitary confinement.
(4) Vouchers for cash payments below Rs. 10.

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(5) Other papers not mentioned in these Rules.

8. The following papers shall be disposed of in the manner set opposite to each :—

(a)	Notice of appeal, proceedings of Courts of appeal and orders of Government on petitions from prisoners.	To be filed with prisoners' warrant and retained as long as the warrant is in force.
(b)	Requisitions for the production of prisoners as witnesses, &c.	To be destroyed on the final disposal of the case.

Proceedings of the Government of His Highness the Maha Rajah of Travancore

NO. J. 3825, DATED THE 14TH AUGUST 1908.

Powers of the Superintendent, Central Prison.

The following revised Rules defining the powers of appointment, &c., of the Superintendent, Central Prison, are sanctioned with effect from the 1st Chingam 1084.

1. It shall be competent to the Superintendent to make any appointment on the sanctioned establishment of the Central Prison, the pay of which does not exceed Rs. (20) twenty per mensem. All appointments shall be made in accordance with the Rules and orders issued by Government from time to time laying down the qualifications for such appointments.

2. It shall be competent to the Superintendent to grant—

(a) any kind of leave to any officer whom he is competent to appoint, and

(b) privilege leave, casual leave and special casual leave to all officers.

All questions of pay, eligibility for leave and allowances shall be disposed of in accordance with the Civil Service Regulations. When the Superintendent has any doubt as to the application of the Regulations, he shall refer the matter to the Financial Secretary to Government and comply with the instructions issued by that officer.

3. It shall be competent to the Superintendent to dismiss, degrade, suspend, discharge or accept the resignation of, any officer whom he is competent to appoint. Before the Superintendent dismisses, degrades, suspends or discharges an officer, he shall take the written explanation of such officer, it being however competent to the Superintendent to suspend an officer pending the submission by the latter of his explanation. The final order passed by the Superintendent dismissing, degrading, suspending or discharging an officer, shall state, firstly, the charges against such officer, secondly, the evidence in support of such charges, thirdly, the finding on each charge, and fourthly, the previous punishments, if any, imposed on the officer, and the latter shall be furnished by the Superintendent with a copy of the order imposing the punishment.

4. The Superintendent may fine any officer subordinate to him, provided that no fine shall exceed Rs. (5) five.

5. It shall be open to a subordinate punished by the Superintendent to appeal against the order of punishment within (30) thirty days after the receipt by him of the copy of the order appealed against, provided, however, that no appeal shall lie from an order imposing a fine.

6. The Superintendent shall submit to Government, within the fifth of each Malabar month, statements as per Forms appended, showing—

(a) appointments made;

(b) leave granted; and

(c) punishments inflicted in the preceding month.

FORM A.

Return of appointments for the month of.....10

Appointment filled up.	Name of person appointed.	Last previous appointment, if any, with pay.	Age.	Caste or creed.	Qualifications.		Pay.		Date of appointment.	Whether appointed permanently or acting.	Remarks.
					General, with date of passing the Test.	Special, with date of passing the Test.	Assigned.	Sanctioned scale, if any.			

FORM B.

Return of leave granted during the month of.....10

Name of officer.	Designation.	Pay.	Nature and extent of leave granted.	Previous leave taken during service.	Article of C. S. R. under which leave is granted.	Date of commencement of leave.	Amount of leave allowance.	Remarks.

FORM C.

Return of punishments inflicted during the month of.....10 .

Name.	Designation.	Pay.	Nature of offence.	Nature of punishment inflicted.	Previous punishments, if any.	Date of giving copy of the order of punishment to the person punished.	Remarks.

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REGULATION II OF 1071.

Passed by His Highness the Maha Rajah of Travancore on the 23rd March 1896, corresponding to the 12th Panguny 1071.

A Regulation to extend greater protection to Judges, Magistrates and others acting judicially.

Preamble.

Whereas it is expedient to extend greater protection to Judges, Magistrates and others acting judicially; We are hereby pleased to enact as follows:—

Commencement.

1. This Regulation shall come into force from the date of passing thereof.

Judges, Magistrates and other persons acting judicially not liable to be sued.

2. No Judge, Magistrate, Dewan Peishkar, or other person acting judicially, shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court, or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Dewan Peishkar or other person acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

REGULATION III OF 1071. *(a)*

PUBLIC GAMBLING REGULATION.

CONTENTS.

Preamble.
Sections.
1. Short title and extent.
2. Penalty for owning or keeping or having charge of a gaming-house.
3. Penalty for being found in a gaming-house.
4. Power to enter and search.
4A. Proof of keeping, or gaming in, common gaming-house.
4B. Penalty for refusing to give name or address and for giving false name or address.
5. On conviction for keeping a gaming-house, instruments of gaming to be destroyed.
5A. Proof of playing for money not required for conviction.
6. Magistrate may require any person apprehended to be sworn and to give evidence.
7. Witnesses indemnified.
8. Regulation not to apply to certain games.
9. Gaming and setting birds and animals to fight in public streets. Destruction of instruments of gaming found on public streets.
10. Offences by whom triable.
11. Penalty for subsequent offence.
11A. Payment of portion of fine to informer.
12. Offences under this Regulation to be offences within the meaning of the Penal Code.
13. Offences to be bailable.
14. "Common gaming-house."

Passed by His Highness the Maha Rajah of Travancore on the 23rd March 1896, corresponding to the 12th Panguny 1071.

A Regulation to provide for the punishment of public gambling and the keeping of common gaming-houses in Travancore.

(a) Amended by Regulation IV of 1085.

Whereas it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in Travancore; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the "Travancore Public Gambling Regulation". Short title and extent.

This Section, Section 9, para 1 of Section 10, and Section 13, of this Regulation shall extend to the whole of Travancore and come into force on the 1st day of Vaikausy 1071.

Our Government may extend, by Notification in the Gazette, all or any of the remaining Sections of this Regulation to any town, or part of a town, and may define for the purposes of this Regulation the limits of such town or part of a town, and may, from time to time, cancel or modify any such Notification or alter the limits so defined.

2. Whoever, being the owner or occupier or having the use of any house, walled enclosure, room or place, situate within the limits to which this Regulation applies, opens, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with the persons frequenting such house, walled enclosure, room or place, shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for any term not exceeding three months. Penalty for owning or keeping or having charge of a gaming-house.

[3. Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine Penalty for being found in a gaming-house.

not exceeding one hundred rupees or to imprisonment of either description for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming] (a)

Power to enter and search.

4. If a Magistrate or the Superintendent of Police or the Assistant Superintendent of Police of a Division upon credible information, and after such inquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place is used as a common gaming-house, he may, after recording his reasons for such belief, either himself enter, or by his warrant authorise any officer of Police not below the rank of a Head Constable to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place, and may either himself take into custody or authorise such officer to take into custody, all persons whom he or such officer finds therein, whether then actually gaming or reasonably suspected to have been present for purposes of gaming, and may seize or authorise such officer to seize all instruments of gaming, and all monies and securities for money and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and may search or authorise such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein and also the person of those whom he or such officer so takes into custody; and may seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

Proof of keeping, or of gaming in, common gaming-house.

[4A. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming, are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding Section, or about the person

(a) Amended by Regulation IV of 1885.

of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-bouse and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by tho Magistrate or Police officer, or any of his assistants.] (*a*)

Penalty for refusing to give name or address and for giving false name or address.

[4 B. If any person, found in any common gaming-house entered by any Magistrate or officer of the Police under the provisions of this Regulation, before being arrested by such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding rupees 500, together with such costs as to such Magistrate shall appear reasonable. and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.] (*a*)

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

5. On conviction of any person for keeping or using any such common gaming-house or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securites for money and other articles seized, not being instruments of gaming, to be sold and converted into money and the proceeds thereof with all monies seized therein to be forfeited ; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for money not required for conviction.

[5A. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game, was playing for money, wager or stake.] (*a*)

(*a*) Added by Regulation IV of 1885

Magistrate may require any person apprehended to be sworn and to give evidence.

6. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Regulation, to require any such persons to be examined on oath or solemn affirmation and give evidence touching any unlawful gaming in such house, walled enclosure, room or place. No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court in any proceeding or trial in anyways relating to such unlawful gaming, or from answering any question put to him touching the matter aforesaid, on the ground that his evidence will tend to criminate himself. Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in Section 178 or Section 179 (as the case may be) of the Penal Code.

Witnesses indemnified.

7. Any person, who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Regulation relating to gaming, and who, upon such examination, shall, in the opinion of the Magistrate, make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect and shall be free from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Regulation not to apply to certain games.

8. Nothing in the foregoing provisions of this Regulation contained shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

9. Any Police officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, any game, not being a game of mere skill, in any public street,

place or thoroughfare, or any person setting any birds or animals to fight in any public street, place or thoroughfare, or any person there present aiding or abetting such public fighting of birds or animals. Such person, when apprehended, shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees or to imprisonment of either description for any term not exceeding one month ; and such Police officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed.

Destruction of instruments of gaming found on public streets.

10. (1) Offences punishable under Section 9 of this Regulation shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall not exceed his powers under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

Officer by whom triable

(2) All other offences under this Regulation shall be tried by a Magistrate of the First Class.

11. Whoever, having been convicted of an offence punishable under Section 2 or Section 3 of this Regulation, shall again be guilty of any offence punishable under either of such Sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description : Provided that he shall not be liable in any case to a fine exceeding five hundred rupees or to imprisonment for a term exceeding one year.

Penalty for subsequent offence.

[11A. The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 2 and 3 of this Regulation, or any part of the moneys or proceeds of articles seized or ordered to be forfeited under this Regulation, to be paid to an informer.] (*a*)

Payment of portion of fine to informer.

(*a*) Added by Regulation IV of 1085.

Offences under this Regulation to be offences within the meaning of the Penal Code.

12. Anything made punishable by this Regulation shall be deemed to be an 'offence' within the meaning of the Penal Code.

Offences to be bailable.

13. All offences under this Regulation are bailable.

"Common gaming-house."

14. In this Regulation, "common gaming-house" means any house, walled enclosure, room or place, in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place.

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REGULATION IV OF 1071.

Passed by His Highness the Maha Rajah of Travancore on the 29th March 1896, corresponding to the 17th Edavam 1071.

A Regulation to amend the Forest Regulation.
[Incorporated in Regulation II of 1068]

REGULATION V OF 1071.

JENMI AND KUDIYAN REGULATION.

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Passed by His Highness the Maha Rajah of Travancore on the 3rd July 1896 corresponding to the 21st Mithunam 1071.

A Regulation to define clearly the relative rights of Jenmis and Kudiyans and to make provision for the speedy realisation of Michavaram and other proprietary dues from the tenants.

Preamble. Whereas it is expedient for better carrying out the intention of the Royal Proclamation of the 25th Karkatakam 1042, to define clearly the relative rights of Jenmis and Kudiyans in Travancore, to make further provision for the speedy realisation of Michavaram and other customary proprietary dues, and to invest the District Munsiffs and Zillah Judges with summary jurisdiction in petty claims for Michavaram and other dues:

We are, in supersession of the Royal Proclamation above referred to, hereby pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Regulation may be called the "Travancore Jenmi and Kudiyan Regulation of 1071."

Commencement.

(2) It shall come into force throughout Travancore on the first day of Makaram 1072:

Provided that para 2 of Section 5 and the 1st para of Section 44 shall come into force on the first day of Chingam 1074.

Saving of custom and customary rights.

2. Nothing in this Regulation shall affect any custom or customary right not inconsistent with, or not expressly or by necessary implication, modified or abolished by its provisions.

Interpretation Clause.

3. The following expressions shall have the meanings hereby assigned to them unless there is something repugnant in the subject or context:—

"Jenmom land".

(1) "Jenmom land" means land (other than Pandaravagay, Sreepandaravagay, Kundukrishi or Sirkar Devaswom land recognised as such in the Sirkar accounts) which is either entirely exempt from Government tax or, if assessed to public revenue, is subject to Rajabhogam only, and the occupancy right in which is created for a money consideration (Kanom) and is also subject to the payment of Michavaram or customary dues and the periodical renewal of the right on payment of renewal fees.

Explanation.—Rajabhogam includes Rajabhogam paid to a Chief within whose free-hold estate the land is situate.

"Jenmi."

(2) "Jenmi" means a person in whom the proprietary right over Jenmom lands is vested and includes, in the case of Devaswoms owning Jenmom lands, the managing trustee or trustees of the institution for the time being.

"Kudiyan."

(3) "Kudiyan" means a person who holds lands on Kanapattom tenure.

"Kanapattom."

(4) "Kanapattom" means a demise of Jenmom land made or renewed by the Jenmi by whatever name such demise is designated.

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(5) "Kanom" means the Artham or consideration (in money or in kind) paid for the Kanapattom and shall also include the value of improvements made by Kudiyans and treated as Artham or consideration. "Kanom."

(6) A person is said "to hold land" whether he retains it in his actual possession or whether he mortgages or sub-lets it; and a person shall be deemed to have held land if it has been held by himself or by a predecessor in interest or title through whom he claims. "To hold land."

(7) "Holding" means a parcel of land or parcels of land held under one Kanapattom instrument and one set of conditions. "Holding."

(8) "Sub-tenant" means any person who holds land under a Kudiyan. "Sub-tenant."

(9) "Pattom" means the assessed rent of the holding prior to the deduction of interest due to the Kudiyan on the Kanom in order to determine the Michavaram due to the Jenmi. "Pattom."

(10) "Michavaram" means the residual rent which is payable or deliverable annually under a Kanapattom by the Kudiyan to the Jenmi, whether in money or in kind, and includes services due in lieu of rent. "Michavaram."

(11) "Renewal fees" means the fee or fees payable on renewal of Kanapattom, under such denominations as Adukuvathu, Avakasom, Sakshi, Oppu Thusi, Olappanam, Thirunal-kalcha, and the like. "Renewal fees."

(12) "Customary dues" means the cesses or contributions such as Onakalcha, Allakkada, Thirunal-chumadu, Purannal-chumadu, Varakoppu, Oolsava-koppu and the like, which are payable to the Jenmi by the Kudiyan on account of his holding according to contract or custom. "Customary dues."

(13) "Duly registered" means registered in accordance with the law for the time being in force relating to the registration of assurances. "Duly registered."

(14) "Improvement" means, with reference to a holding, any work including its product which is suitable to the holding and consistent with the conditions on which it is based, by which the value of the holding has been and continues to be "Improvement."

increased, and which, if not executed on the holding, is either executed directly for its benefit, or is, after execution, made directly beneficial to it.

Explanation I.—It includes among other things—

(*a*) the construction of wells and other works for the storage or supply of water for agricultural or domestic purposes;

(*b*) the construction of works for drainage and for protection against floods;

(*c*) the planting of trees;

(*d*) the reclaiming, enclosing, levelling and terracing of land for agricultural purposes and other works of a like nature;

(*e*) the erection in Purayadoms or plantations of farm buildings and of dwelling-houses, cattle-sheds or other structures, permanent walls or strong fences which are not of a temporary nature; and

(*f*) the renewal or reconstruction of any of the foregoing works or such alterations or additions thereto as are not of the nature of mere repair and as durably increase their value.

But it does not include such clearances, embankments, levellings, enclosures, temporary wells and water channels as are made by tenants in the ordinary course of cultivation and without any special expenditure, or any other benefit accruing to land from the ordinary operations of husbandry.

Explanation II.—A work executed by a Kudiyan is not an "improvement" if it substantially diminishes the value of any other part of his Jenmi's property.

CHAPTER II.

OF THE RIGHTS AND LIABILITIES OF JENMIS AND KUDIYANS.

Tax on Jenmom lands transferred by sale, &c., to be borne by transferee.

4. When a Jenmi transfers by sale, gift or otherwise, the Jenmom right in the whole or any part of his Jenmom lands and the Sirkar imposes or enhances the tax on the Jenmom lands transferred, such tax shall be borne by the transferee.

Right of Kudiyan to permanent occupancy.

5. Subject to the provisions of this Regulation, every Kudiyan shall have a right of permanent occupancy in his holding and shall be exempt from liability to eviction save as laid down in Section 7.

In the absence of an express contract, nothing in this Section shall be taken to confer the right of permanent occupancy on the Kudiyan of a non-Malayalee-Brahmin Jenmi, unless he or his predecessors in interest or both have uninterruptedly held the holding for a period of not less than twenty-five years.

The provisions of para 2 do not apply to assignees of Malayalee-Brahmin Jenmis.

Right of Kudiyan heritable and transferable.

6. The right of a Kudiyan in his holding shall be heritable and transferable; but every transfer shall be in writing, and no transfer of a portion of the holding, without the consent in writing of the Jenmi, shall affect the liability of the entire holding for Michavaram and other dues leviable by the Jenmi.

Eviction of Kudiyan.

7. (1) No Kudiyan shall be evicted from his holding or any portion of his holding except in execution of a decree of Court; and no Court shall make a decree for such eviction except for—

(*a*) non-payment of Michavaram for 12 years consecutively, notwithstanding an express demand in writing made at any time after the first year's arrears shall have accrued;

(*b*) neglect or refusal to pay renewal fees and take a renewal within one year from the date on which such fees fall due and six months after the service upon him of a notice of demand in writing:

Provided that, when such neglect or refusal has taken place before this Regulation comes into force, it shall not confer on the Jenmi the right of eviction unless he proves that such neglect or refusal has been continued for a period of one year after this Regulation comes into force and six months after the service upon him of a notice of demand in writing under this Regulation.

Explanation.—Failure to pay renewal fees or take a renewal, due to *bona fide* differences between the Jenmi and the

Kudiyan as to the amount of the renewal fees or as to the terms of the renewal, shall not be deemed to be neglect or refusal within the meaning of Clause (*b*);

(*c*) wilful denial of Jenmi's title and persistence in such denial even at the time of the first hearing of a suit for eviction;

Explanation.—A denial of the Jenmi's title under a mistake of fact or of law is not wilful within the meaning of Clause (*c*).

(*d*) intentional and wilful commission of such acts of waste as are calculated to materially and permanently impair the value and utility of the holding so as to injure the interest of the Jenmi.

(2) The written demand or notice mentioned in this Section shall be presented to the Court of the District Munsiff in whose local jurisdiction the holding is situated, and it shall be served by such Court on paymont by the Jenmi of the prescribed process fees in the manner provided for the service of eummons in the Code of Civil Procedure. But no court fees shall be levied on the application presented to the Court by the Jenmi requesting the service of such demand or notice.

(3) A suit for ejectment on the ground stated in Clause (*d*) shall not be entertained unless the Jenmi has served a notice on the Kudiyan specifying the particular act of waste complained of, and, when the waste is capable of remedy, requiring the Kudiyan to remedy the same and in any case to pay reasonable compensation for the waste, and the tenant has failed to comply within a reasonable time with that request.

(4) In case of eviction, the Kudiyan shall, in addition to a refund of the Kanom money, be entitled to be compensated for improvements made by him or by his predecessors in interest for which compensation has not already been paid; and his sub-tenants, if any, shall also be entitled to such compensation in respect of improvements made by them.

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Explanation.—Nothing in this Section shall be construed to bar the right of the Jenmi to recover the arrears of Michavaram and customary dues due at the date of eviction.

Compensation for improvements how estimated.

8. (1) The compensation to be awarded for items of improvement (*a*), (*b*), (*d*), (*e*) and (*f*) in Clause 14 of Section 3 shall be the estimated full cost of such improvements *minus* any deduction for wear and tear; and the compensation for item (*c*) shall be three-fourths of the capitalized value of the product of the trees other than wild trees of spontaneous growth, unless the Jenmi proves that, by local usage in respect of Jenmom lands, the compensation to be awarded to the tenant for trees is less than three-fourths.

(2) In awarding compensation for improvements, any reduction or remission of rent or any other advantage given by the Jenmi to the Kudiyan in consideration of the improvement shall he taken into consideration; and no compensation for an improvement shall be claimable when the Kudiyan has made the improvement in pursuance of a contract in writing binding him, in consideration of some substantial advantage to be obtained by him, to make the improvement without compensation, and he bas obtained that advantage.

Court to cancel forfeiture on payment of arrears into Court.

9. When the Kudiyan has incurred forfeiture for non-payment of Michavaram or renewal fees and the Jenmi sues to eject the Kudiyan—if, at the first hearing of tbe suit, which shall not take place within three months from the date of the service of the original summons in the suit, the Kudiyan pays into the Court the Michavaram and other dues in arrears together with the interest thereon and the Jenmi's cost of the suit, the Court sball pass an order relieving the Kudiyan against forfeiture, and thereupon the Kudiyan shall hold tbe land as if the forfeiture had not occurred.

Decree to declare amount of compensation in suit for ejectment of Kudiyan for waste.

10. A decree passed in favour of the Jenmi in any suit for ejectment of a Kudiyan on the ground that he has committod intentional and wilful acts of waste, shall declare the amount of compensation which would reasonably be payable to the Jenmi for the waste, and whether in tbe opinion of tbe Court tbe waste is capable of remedy, and shall fix a period

during which it shall be open to the defendant to pay the amount to the plaintiff and, where the waste is declared to be capable of remedy, to remedy the same.

If the defendant, within the period fixed by the Court under this Section, pays the compensation mentioned in the decree and, where the mis-use or breach is declared by the Court to be capable of remedy, remedies the mis-use or breach to the satisfaction of the Court, the decree shall not be executed.

Renewal of Kanapattom every twelve years.

11. In the absence of an express written contract to the contrary, on the expiry of a period of twelve years from the date of every Kanapattom, and thenceforward at the end of every successive period of twelve years, it shall be obligatory on the Jenmi to give and on the Kudiyan to accept a renewal of the Kanapattom, save and except in the cases mentioned in the next following Section.

Kudiyan may surrender his holding at the end of twelve years.

12. A Kudiyan may, at the end of twelve years from the date of Kanapattom or of its last renewal, surrender in writing his holding to the Jenmi after 6 months' notice in writing, and claim refund of the Kanom. In such cases, the Jenmi shall not be liable to pay to the Kudiyan the value of the improvements, and he shall not be bound to accept the surrender, unless the whole of the arrears of Michavaram and other dues, if any, are also tendered at the time of surrender.

Notice under this Section shall be served through the Munsiff's Court in the manner provided in Section 7.

Arrears of Michavaram and renewal fees to have priority over other charges.

13. Arrears of Michavaram and renewal fees due to the Jenmi shall be a charge on the holding of a Kudiyan and shall have priority over all other charges on the same, save arrears of tax due to Government.

Enhancement of Michavaram

14. Subject to the limitations and conditions prescribed in Chapter III, every Jenmi may, at the time of periodical renewals of Kanapattom, enhance the Michavaram payable by a Kudiyan—

(1) (*a*) by increasing the Pattom assesment on the land,

(*b*) by reducing the rate of interest allowed to the Kudiyan on the Kanom money, if such rate is in excess of

the rate usually allowed to Kudiyans holding on Kanapattom in the same proverthy,

(*c*) by both the modes (*a*) and (*b*); or

(2) where the Jenmi has hitherto been levying additional Kanom (or Ettartham) in lieu of enhancing the Michavaram, he may continue to do so at the customary period :

Provided that no Jenmi shall without the consent of the Kudiyan be entitled to enhance the Michavaram and levy Ettartham at one and the same time.

CHAPTER III.

PART A—OF MICHAVARAM AND CUSTOMARY DUES.

Particulars of Kanapattom contract.

15. (1) In every contract of Kanapattom granted or renewed after this Regulation comes into force,

(*a*) the name, description and extent of the holding,

(*b*) the Pattom assessed on the holding,

(*c*) the deduction therefrom on account of interest on the Kanom money,

(*d*) the amount of Michavaram agreed upon,

(*e*) the renewal fees and customary dues intended to be levied from the Kudiyan, and the rate at which and the occasions on which they are to be levied, and

(*f*) if customary dues are commuted under Section 26, the amount so commuted,

shall be distinctly specified.

(2) (*a*) If the Michavaram or other dues are made payable in kind, it shall be specified according to the standard measure or Parah prescribed by Our Government or which may be agreed upon between the parties.

(*b*) If any local Parah or measure is used by the parties, the difference between it and the Government standard Parah must be set forth in the Kanapattom.

(3) Registering officers shall refuse to accept for registration any Kanapattom instrument unless it shall

contain the particulars above set forth. The order of the Registrar shall be subject to appeal according to the provisions of the Registration Regulation for the time being in force.

When suit or claim for renewal fees or customary dues to be entertained.

16. No summary suit or claim for enforcing payment of renewal fees or customary dues shall be entertained by the Courts under this Regulation, unless such fees or dues, as the case may be, are specified in the Kanapattom or its counterpart duly registered.

Exception. Nothing in this Section shall affect the Jenmi's right to recover summarily the renewal fees or customary dues under the existing Kanapattom though not expressly specified in the instrument of Kanapattom.

Payment of Michavaram, renewal fees, &c.

17. Every Kudiyan shall pay his Jenmi the Michavaram, renewal fees and customary dues at such time and place as may be agreed upon between them in writing, and, in the absence of such written agreement, in the manner following, namely :—

(*a*) the annual Michavaram shall be paid on or before the thirtieth day of Audi of each Malabar year at the residence or at the granary (Sekarippoo) of the Jenmi, provided that such residence or Sekarippoo is within the proverthy in which the holding is situated ;

(*b*) customary dues, after demand—except in cases where they become due on recognised dates, such as, Onakalcha ;

(*c*) renewal fees, on or before the last day of the year following the period when the renewal of the Kanapattom ought to take place under Section 11.

Rate of interest in default of payment.

In default of such payment, interest shall be charged on the arrears from the date they become due, at the rate of 12 per cent. per annum when the arrears are payable in money, and of 18 per cent. per annum when the arrears are payable in kind.

Jenmi to renew Kanapattom on payment of renewal fees.

18. On payment by the Kudiyan of the renewal fees together with any arrears of Michavaram which may remain unpaid for the whole or any portion of the expired period of

12 years, the Jenmi shall renew the Kanapattom and the Kudiyan shall thereupon execute a counterpart of such Kanapattom :

Provided that when a Kanapattom and its counterpart containing the particulars specified in Section 15 and duly registered shall have been once before exchanged between a Jenmi and his Kudiyan, the parties may, by mutual agreement, dispense with the execution of a fresh Kanapattom and counterpart. In such cases, a receipt for payment of renewal fees shall, if duly registered, be deemed to operate to all intents and purposes as a renewal of the Kanapattom.

Contents of receipt for Michavaram.

19. Every Kudiyan paying Michavaram or customary dues shall be entitled to a receipt specifying,—

(*a*) the date of payment ;

(*b*) the amount paid ;

(*c*) the period for which it is paid ;

(*d*) the holding in respect of which it is paid ; and

(*e*) such other particulars as may be necessary to elucidate the transaction.

Revision of terms on renewal of Kanapattom.

20. (1) Every revision or re-adjustment of the terms of a Kanapattom at the end of 12 years shall be made by a contract in writing duly registered.

(2) If the parties cannot agree as to the terms of such revision or re-adjustment or as to the amount of additional Kanom or Ettartham, the Jenmi or the Kudiyan, as the case may be, may institute a regular suit in a Civil Court of competent jurisdiction for the purpose of compelling the other party to accept the terms proposed by him, or such other terms as to the Court may seem fit.

(3) Notwithstanding anything contained in the Stamp Regulation, no such contract of Kanapattom executed in renewal of a prior contract of Kanapattom shall be subject to stamp duty when the annual Michavaram reserved in such renewed Kanapattom does not exceed Rs. 50 in value.

(4) In the absence of an express contract to the contrary, the cost of stamp and registration of Kanom deeds shall be borne by the Kudiyan, and the cost of stamp and registration of counterparts or Kychits by the Jenmi.

When Jenmi entitled to claim enhancement of Pattom.

21. The Jenmi of a holding shall not be entitled to claim an enhancement of the Pattom assessment fixed under any existing Kanapattom, except on one or more of the following grounds, viz:—

(*a*) in the case of paddy lands,

(1) that the area of the holding actually under cultivation is in excess of the area on which the Pattom was previously fixed;

(2) that the rate of current Pattom is below the prevailing rate for lands of a similar description and quality, with similar advantages in the same Ela or Muri, and that there is no reason for the holding being assessed at so low a rate;

(3) that the productive powers of the land comprised in the holding, as compared with those powers at the time when the current Pattom was fixed, have increased from causes not merely temporary or casual;

(*b*) in the case of other lands, in addition to the foregoing grounds,

(4) that the number of trees in the holding on which Pattom is assessable has increased;

(5) that there has been a substantial rise in the average local prices of the produce of those trees during the currency of the previous Kanapattom;

(*c*) in the case of either description of land,

(6) that, after this Regulation comes into force, the Kudiyan erects factories, shops or other buildings, not being erections referred to in (*e*) of Explanation I to Clause 14 of Section 3, and the annual rental value of the holding has thereby increased.

When the excess to the area under cultivation or the increase in the productive powers of the land is due to reclamation or other works of permanent improvement effected at the expense of the Kudiyan, the cost of such reclamation or

other works of improvement shall be estimated and interest on the capital outlay so estimated shall be deducted from the difference between the old and new assessment and allowed to the Kudiyan at the same rate at which the interest on the Kanom money is allowed to the Kudiyan under the Kanapattom.

Where an enhancement is allowed on garden lands, Nadavukoor or deductions on account of the cost of planting and rearing the trees sought to be assessed with the Pattom, shall be allowed to the Kudiyan at such rate as may have been agreed upon between him and the Jenmi, and, in the absence of such agreement, at the usual rate prevailing in the proverthy in which the land is situated.

Where enhancement is allowed on the ground mentioned in Clause (6), the rental value shall be the annual rental of the building according to the rates prevailing in the neighbourhood less interest at 6 per cent. per annum on the value of such building and the cost of maintenance.

Rate of assessment of Pattom.

22. (*a*) The Pattom on paddy lands shall not exceed one-fourth of the gross produce.

(*b*) The Pattom on other lands shall, in like manner, not exceed one-fourth of the estimated average annual yield of the trees growing thereon, commuted into money at the average market rate, the average being based upon the market price of the different kinds of staple produce for 12 years preceding. If no such trees exist, the Pattom shall be taken to be equal to the Payattupattom prevailing in the proverthy.

(*c*) The Pattom on buildings shall be one-half of the rental value fixed under the last para of the preceding Section.

(*d*) The Pattom so assessed shall be subject to deduction on account of interest on the Kanom money, but not on account of existing Sirkar tax or customary dues and renewal fees, which shall be paid by the Kudiyan out of his share of the produce :

Provided that the existing Pattom shall not be disturbed for the reason only of its being above or below the proportion fixed under this Section.

Amount of Ettartham leviable on renewal of Kanapattom.

23. The amount of additional Kanom or Ettartham leviable by the Jenmi at the time of renewal of Kanapattom, when such is leviable under the provisions of this Regulation, shall not, without the consent of the Kudiyan, exceed six times the amount of the enhanced Michavaram which would have been payable by the Kudiyan, had the Jenmi claimed such enhancement under the provisions of Sections 20 and 21.

Kudiyan may claim reduction of Pattom in certain cases.

24. A Kudiyan may, at the time of renewal, claim reduction of Pattom on the grounds,—

(*a*) that the area of his holding has been diminished, not by his neglect, but by the action of sea, river or lake, or like causes;

(*b*) that the soil of the holding has, without the fault or neglect of the Kudiyan, become permanently deteriorated;

(*c*) that, in the case of gardens, there has been a fall in the average local prices of the produce of the trees in the holding during the currency of the current Kanapattom;

(*d*) that the number of assessable trees in the holding has substantially diminished by causes not preventable by the Kudiyan;

(*e*) that the rate of the current Pattom of his holding is above the prevailing rate for similar lands in the village in which it is situated.

Courts not to decree unfair enhancement or abatement.

25. Notwithstanding anything in the foregoing Sections, the Court shall not in any case decree any enhancement or abatement which is, under the circumstances of the case, unfair or inequitable.

On transfer of Jenmom right, Kudiyan entitled to have customary

26. In the case of a transfer of Jenmom right, it shall be competent to the Kudiyan to call upon the transferee to commute customary dues into fixed annual payment. The transferee shall comply with such demand. If they disagree

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as to the rate of commutation, the Court shall decide what shall be the fair and equitable rate. dues commuted into fixed annual payment.

PART B—DEPOSIT OF RENT AND CUSTOMARY DUES IN COURT.

27. If any Kudiyan tenders to the Jenmi full payment of Michavaram or renewal fees or other dues as they fall due, and if the Jenmi is not ready or willing to accept the tender and grant a receipt forthwith, or if the Kudiyan entertain a *bona fide* doubt as to the party entitled to receive the Michavaram and other dues, the Kudiyan may apply to the Munsiff's Court within whose jurisdiction the holding is situated, for leave to deposit such amount in Court to the credit of the Jenmi. Kudiyan may apply to Munsiff's Court for leave to deposit Michavaram on Jenmi's failure to accept tender.

28. The application shall specify, as far as possible,— Contents of the application.

(*a*) the name of the Jenmi and his description when known, and, in case of doubt, the name and description of all the rival claimants ;

(*b*) the local name, description and extent of the holding;

(*c*) the particulars of the tenure on which the holding is held by the Kudiyan ;

(*d*) the full amount of Michavaram or customary dues due up to date ; and

(*e*) the circumstances under which the application is made ;

and shall be verified in the manner prescribed by the Code of Civil Procedure for the verification of plaints.

29. The amount of Michavaram or other dues specified in Clause (*d*) of Section 28 shall be paid into Court at the time of the application, the price of grain or other commodities payable as Michavaram or dues being commuted into money at market rates. Michavaram and other dues due up to date of application to be paid into Court.

30. The Munsiff shall, upon such payment as aforesaid, issue a notice to the Jenmi or other persons named in the application mentioned in Section 28, calling upon him or them to show cause why the payment should not be accepted and a receipt granted to the Kudiyan. Munsiff to issue notice to Jenmi.

Further procedure

31. (1) On the day fixed for the appearance of the parties, or on any other day to which the hearing of the application may be adjourned, the Munsiff shall hear the objections, if any, of the Jenmi or other parties claiming the right to receive the Michavaram and dues, and on being satisfied that the full amount due up to date has been paid into Court by the Kudiyan and that the Kudiyan is entitled to make the application, shall grant a receipt in the Form prescribed by Section 19.

(2) If the amount paid into Court be less than what is justly due to the Jenmi at the date of the application, the Munsiff shall reject the application and return the deposit, unless the Kudiyan offers to make good, and does make good, the deficiency within six weeks from the date of the order by the Munsiff to make good the same.

(3) In all cases where a receipt is granted by the Court, the deposit shall be paid over to the Jenmi or other party appearing to be entitled to the deposit. In cases of dispute as to the person entitled to receive the deposit, the Munsiff may take security from the person, in whose favour he adjudges in the summary investigation, before making the payment.

(4) Nothing in this Section shall affect the right of any party to contest by a regular suit the decision passed under Clause (1) or to recover the amount paid from the party receiving the deposit under the summary order of the Court.

(5) A receipt granted by a Court under Clause (1) shall operate as a full acquittance for the amount paid into Court and shall have the same force and effect as a receipt granted by the Jenmi himself.

Applications under part B to be exempt from court fees.

32. Every application made under this Part B shall be exempt from payment of court fees.

PART C—OF THE JURISDICTION OF COURTS OVER PETTY CLAIMS FOR MICHAVARAM AND CUSTOMARY DUES.

Summary jurisdiction of Courts.

33. Claims by Jenmis for recovery of arrears of Michavaram, renewal fees or customary dues shall, when the

amount or value of such claim does not exceed Rs. 100, be taken cognizance of and disposed of summarily by the Courts hereinafter mentioned.

(1) District Munsiffs shall have jurisdiction in respect of all such claims where the amount or value of the claim does not exceed Rs. 30.

(2) Zillah Judges shall have similar jurisdiction where the amount or value of the claim exceeds Rs. 30 but does not exceed Rs. 100.

Procedure for trial of non-appealable cases to be followed in summary suits under this Regulation.

34. Except as otherwise provided by this Regulation, the procedure prescribed by any law for the time being in force for the trial of non-appealable cases shall be the procedure to be followed by the District Munsiffs and Zillah Judges in all suits and proceedings summarily cognizable by them under this Regulation.

Where cause of action arises.

35. The cause of action for recovery of such claims shall be deemed to have arisen at the place where the holding, in respect of which the claim accrued, is situated, and the suit shall, subject to the provisions of Section 33, Clauses 1 and 2, be preferred to the Court within the limits of whose territorial jurisdiction the cause of action shall have arisen as aforesaid.

Plaint when exempt from court fees.

36. The plaint in such suits shall be exempt from payment of court fees, if the claim be for recovery of arrears which accrued due within 12 months next preceding its institution ; if otherwise, the regular court fee which would have been levied, had the claim been instituted as a regular suit in a competent Court, shall be levied on the plaint.

Agent of Jenmi.

37. Any agent or Vicharippukaren of a Jenmi empowered in this behalf by a written authority under the hand of the Jenmi shall, for the purposes of summary suit or application under this Regulation, be deemed to be a recognised agent of the Jenmi within the meaning of the Code of Civil procedure, notwithstanding that the Jenmi may reside within the local limits of the jurisdiction of the Court in which

the suit is to be instituted or is pending or in which the application is made.

Power of Court to decide question of title to immovable property or status.

38. If, in the decision of a suit cognizable summarily by a Munsiff or a Zillah Judge under Section 33, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immovable property or the status of either of them or of those under whom they claim, which, if it had been the immediate subject-matter of the claim, would not be cognizable by the Munsiff or the Zillah Judge under the procedure applicable to non-appealable cases, it shall be competent to the District Munsiff or the Zillah Judge, as the case may be, to decide such question of title to immovable property or status, so far as it may be necessary to do for the determination of the suit; but such decision shall not be conclusive evidence of such title or status in any other action between the same parties or their representatives.

Procedure where Kudiyan admits the money due but pleads title of third person.

39. (1) When a Kudiyan-defendant admits that money is due from him on account of Michavaram or renewal fees or customary dues, but pleads that it is due not to the plaintiff, but to a third person, the Court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea, unless the defendant pays into Court the amount so admitted to be due.

(2) When such payment is made, the Court shall forthwith cause notice of the payment to be served on the third person.

(3) Unless the third person within three months of the notice institutes a regular suit against the plaintiff and therein obtains an order restraining payment of the money, it shall be paid over to the plaintiff on his application.

(4) Nothing in this Section shall affect the right of any person to recover from the plaintiff the money paid to him under Clause (3) of this Section.

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